

City Council of Peachtree City
Agenda
January 17, 2008
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Remind Attendees to Turn Off Cell Phones
 - Recognize Employee Graduates of the ARC Management Development Program
(Mark Eimer, Jimmy Freeman, Harvey Garcia, Scott Hicks, Janis Hooper,
David McDaniel, Richard McDowell, Cajen Rhodes)
 - Recognize Mike Hunnicutt, Steve McCook, Gary Meier and Vicki Sanchez – 10-year
Service Awards
 - Building Awards
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
 - January 3, 2008, Regular Meeting Minutes
- VII. Consent Agenda
- VIII. Old Agenda Items
- IX. New Agenda Items
 - 01-08-12 Presentation on Honor Flight Fayette Program
 - 01-08-13 Consider Future Floodplain Ordinance
 - 01-08-14 Consider MNGWPD Stream Buffer Protection Ordinance
 - 01-08-15 Consider Lease – Tourism Association
 - 01-08-16 Consider Urban Reuse Water to Irrigate BSC and Meade Sports Fields
 - 01-08-17 Consider Resolution Establishing Franchise Fees for State
Cable TV/Video Franchises
 - 01-08-18 Consider Re-evaluation of Development Impact Fee Ordinance
 - 01-08-19 Presentation of Updated Zoning and Land Use Maps
- X. Council/Staff Topics
 - Assignment of Council Members to Commission/Authorities
- XI. Executive Session

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

City Council of Peachtree City
Minutes of Meeting
January 3, 2008
7:00 p.m.

The City Council of Peachtree City met Thursday, January 3, 2008, in the City Hall Council Chambers. Mayor Logsdon called the meeting to order at 7:00 p.m. Other Council Members present: Steve Boone, Don Haddix, Cyndi Plunkett, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Logsdon recognized Fredia Korda of the Stormwater Utility as the Employee of the Month for December and Acting Developmental Services Director David Rast as the Supervisor of the Quarter for the fourth quarter of 2007.

Oath of Office – New Council Members

Mayor Logsdon swore in Don Haddix and Doug Sturbaum as Council Members.

Election/Oath of Office – Mayor Pro-tem

Boone nominated Plunkett as the Mayor Pro-tem. Sturbaum seconded. The motion carried unanimously. Mayor Logsdon administered the oath of office.

Public Comment

There was none.

Agenda Changes

There were no changes.

Minutes

Plunkett moved to approve the December 3, 2007, workshop minutes, the December 6, 2007, regular meeting minutes, and the December 13, 2007, special called meeting minutes as written. Boone seconded. The motion carried 3-0-2 (Haddix, Sturbaum).

Monthly Reports

Plunkett noted that 37 commercial building permits had been issued in 2007 and asked what they were for. Acting Development Services Director David Rast said he was not positive, but pointed out that the number included tenant fix-ups, not just stand-alone buildings. Plunkett asked how many of the permits were stand-alone. Rast said not more than five to 10.

Plunkett noted that the crime rate continued to be low.

Logsdon asked Financial Services Director Paul Salvatore how sales tax collections were going. Salvatore said that the City was 16% into the budget year and had collected 15% of the sales tax. According to past trends, the amount collected in October and November was five to 10% below the average. Logsdon asked when the City would receive the December figures. Salvatore said he would have it the next day. Logsdon said he wanted to know how far behind they were.

Logsdon noted that the next PTC 101 class was not on the calendar. Acting Administrative Services Director/City Clerk Betsy Tyler said the class would begin in April and would be on the next calendar.

Consent Agenda

1. **Annual Indemnification Resolution**
2. **Authorization of Legal Organ – Today in Peachtree City**
3. **Appointment of Judge Pro Hac Vice – Jason Thompson**
4. **Alcohol License – Change in Licensee, Owner & Name – Dolce Atlanta-Peachtree**
5. **Consider Appointment to Recreation Commission – Mark Ballard, Vince Obsitnik, Shayne Robinson (Alternate)**
6. **Consider Appointments to Tourism Association – Bill Bexley, Kai Wolter**
7. **Consider Appointments to Airport Authority – John Corder, Gerald Stuart (Alternate)**

Boone moved to accept Consent Agenda items 1-7. Haddix seconded. The motion carried unanimously.

New Agenda Items

01-08-01 Appoint/Reappoint Ethics Board Members

Logsdon noted there was an additional document on the dais – a memo to Mayor and Council dated December 20, 2007, with the subject, "Appoint/Reappoint Ethics Board Members." Plunkett moved to appoint/re-appoint the listed Ethics Board members. Boone seconded. The motion carried unanimously.

Those appointed to the Ethics Board were Tom O'Toole (Haddix) Mark Hollums (Haddix), D'Arcy Pitts (Sturbaum), Sidney Warren (Sturbaum). The re-appointed members were Ronald L. Hall (Logsdon), Beth Brooks (Logsdon), David Downing (Boone), James McCaughey (Boone), Karen Lehto Horlak (Plunkett), and Susan Jones (Plunkett).

01-08-02 Nomination and Selection of Fayette County Board of Health Representative

Tyler briefly reviewed the requirements and noted that Plunkett had served in 2007. She continued that Council had discussed appointing a representative annually, but had the latitude to direct the appointment through the end of the Council Member's term. Logsdon asked if anyone wanted to serve and said he would serve unless another Council Member so desired.

Plunkett nominated Logsdon to serve as the representative to the Fayette County Board of Health for 2008. Boone seconded. The motion carried unanimously.

01-08-03 Consider Appointment of Council Member to Tourism Association

City Manager Bernard McMullen pointed out that the most recent changes to the Tourism Association by-laws required that a Council Member serve on the board of directors. The Council Member was to be appointed on an annual basis.

Boone nominated Plunkett to serve as the Council Member on the Tourism Association. Haddix seconded. The motion carried unanimously.

01-08-04 Consider Community Forum on City Web Site

Haddix explained that a forum on the web site would be a communication tool that would allow citizens to exchange, propose, and develop ideas, and put announcements up quickly. It was a good communication and asset tool that utilized the abilities of residents who did not want to serve on a committee or go by a schedule time. It could save the City money. Having the

materials on an open forum would save on open records requests and staff time. It would save time for staff and Council. Material would be put up one time, and the citizens would know to look on the forum, which saved calls and e-mails to Council. He understood the concerns regarding moderation of the forum, but noted there were a lot of tools available at either a low cost or no cost. Anyone participating in the forum would have to register with their name and address. A forum was a valuable tool in this day of electronic communication.

Boone asked IT Administrator Matt Robinson about costs. Robinson said the costs could vary. There were many software packages, and the costs ranged from free to \$200. Boone asked about monitoring the forum. Robinson said monitoring was a function of the software itself based on the specific package. The tools were built into the software.

Plunkett said that the packages could prevent cursing, but added that they did not have a mechanism that prevented someone from using correct language to slander someone. There was nothing to determine inappropriate content. Robinson said the decision on appropriate and inappropriate should be made from a legal perspective. The programs would allow the City to look for words or phrases, some of which could be inappropriate depending on how they were used. Plunkett continued that the sentence, "Plunkett is in the pocket of developers," had none of the terms that would trigger a response from the software, but it was a harmful statement. Boone asked if such a statement would become public record once it was on the forum. Haddix said that was where the moderator's function came in. The moderator would delete such a post. If it was really inappropriate, the poster could be warned or banned. The poster thread could be kept for legal purposes, but could be hidden from public view. The main avenue of defense was the moderator, but the site did not need to be moderated 24 hours a day. A bad post could have a life span of a few hours. Robinson added that there was software that would allow comments to be moderated prior to posting.

Logsdon said he was confused about deleting a comment since it became a matter of public record once it appeared on the forum. Robinson said it was applicable to all open records requests. City Attorney Ted Meeker said the comment could be taken off the board, but the City would maintain a record of it. Haddix said it would be kept for the moderator's eyes only.

Boone said that he did not have a problem with the cost, but with the time required for the moderator. Council should look at the forum during a workshop or at retreat. He would like more discussion and research. He did not like "blogging," but he did like informing the community if it worked right. He moved to add the topic to the retreat agenda or to a workshop. Plunkett said she thought the topic was for discussion only and asked if Council could act. Meeker said the item was for consideration. Plunkett seconded Boone's motion.

Logsdon said he had discussed the forum with Haddix, and he was almost sold on the idea. The City had tried different ways to improve communication with the citizens for the last two years, and it was getting better. He did not want a City "blog." He agreed that it should be a retreat item, so everyone could be better informed about the process. Plunkett said she wanted to know if other cities had forums and which ones were doing it right or wrong. Robinson said there were several cities listed, but he had others as well. Plunkett said she did not want to set up the forum only to close it down for inappropriateness.

The motion carried unanimously.

Meeker said staff needed an idea of what Council wanted. Monitoring the content was one issue. Boone said he wanted to know, from other cities, the number of hours staff had to monitor the forums, as well as the types of controls that were used. Sturbaum said he also wanted information on liability. McMullen said staff would contact other cities to see how the forums were moderated to find out and any issues they had encountered. Plunkett said there should also be a recommendation on what software format would be best. Logsdon asked Haddix to meet with each Council Member before the Retreat and discuss the topic since he was the best informed.

01-08-05 Consider Moratorium on New Commercial Development Proposals

Logsdon noted there were additional documents on the dais – a corrected copy of the proposed resolution, a memo to Council from Rast dated January 3, 2008, with the subject, “1992 Comprehensive Plan Goals vs. current ordinances,” and an e-mail to Council dated January 3, 2008, from Matt Forshee of the Fayette County Development Authority (FCDA) with the subject, “Fayette County Development Authority,” which addressed the FCDA’s concerns.

Haddix pointed out that the City was reaching build-out, and there were a number of issues to look at for the future. All retail development was not equal and had positives and negatives. Big box development was negative. The City was slipping further behind on spending and part of it was due to retail. The emphasis needed to shift from retail to office/industrial. The Comprehensive Plan needed to be backed by law. The Comprehensive Plan required commercial and industrial development to alleviate the tax burden for the citizens. It also required environmental, economic, and traffic impact studies. Currently, the City either did not have ordinances in place to carry out the function or the ordinances were insufficient or flawed. Haddix referred to the City’s recent lawsuit involving Lowe’s, which the City lost because it had been operating on personal opinion regarding what was acceptable in general industrial zoning. The City had to nail the ordinances down. The way to stop any more retail from coming in was to have a moratorium in place aimed at retail development and the work on the ordinances. The court also said that big boxes could be built in the industrial area. The only way to stop that was to have the moratorium in effect while the City was working on the ordinances to better control retail development. The moratorium was not aimed at offices, industrial, or employer-based manufacturing, only retail.

Boone noted that he had sent an e-mail to the City Manager expressing his concerns about whether the ordinances supported the Comprehensive Plan and thanked Rast for his memo. He said the City’s ordinances could speak for themselves. A moratorium sent the wrong message to the Fayette County Development Authority and the Fayette County Chamber of Commerce. Both organizations were working to help the City fill its commercial buildings and industrial park. It also opened a potential for legal action against the City. He continued that the Planning Commission would be looking at the ordinances supporting the Comprehensive Plan in the next few months and recommending any necessary changes. Changing and tightening the ordinances would do as much as a moratorium. Haddix said nothing in the ordinances defined a complete economic study, environmental study, or traffic study. Nothing outlined any reparations for not meeting what the studies promised. The City lost the Lowe’s lawsuit on personal opinion. If it had been covered in the current ordinance, the City would not have lost the case.

Sturbaum said he was in favor of a moratorium. He did not see it hindering development or sending the wrong message. The City would be strengthening the ordinances and working on the future playbook as time moved forward. Boone said staff was working on those ordinances currently. The staff was talented and would bring the playbook to the Planning Commission and Council. Any developer who came into the City was looking at the economic impact. Retail brought in revenue. He agreed that offices and industry would be preferable to retail, but a moratorium attacked what the state and the FCDA had just done by bringing in SANY. A moratorium sent the wrong message.

Richard Spain, Bob Bowman of the Midwest Georgia Homebuilders Association, Rick Lindsey representing Columbia Properties, Bruce Fleisher of Dominion Partners, Juan Matute, Keith Larson, Russell Burns, and Jill Bowers spoke regarding the proposed moratorium. Their comments included:

- There was concern and confusion regarding what development the moratorium would affect. The feeling was that industrial development should not be impeded.
- There was confusion as to whether approved projects and projects in the process were included in the moratorium.
- It was not easy to get projects through the City's process, and the City had done an exceptional job of making the components work together.
- A moratorium sent a negative message, impacted jobs, and could be unconstitutional.
- A moratorium should be implemented when there were specific issues with roads or sewer. Changing or tightening the ordinances was part of the City's ongoing business.
- Input should be taken from all areas of the community. Office space was already at a maximum in the City. Office space did not generate the tax dollars retail did.
- Dominion Partners' representative noted their project was residential, but had a commercial designation and asked to be excluded from the moratorium.
- During the last election, the voters had placed people on Council to ensure developers did not overrun the City. The City's legislation needed to be addressed.
- The City had been remiss in moving forward and needed to protect residents and its business partners against unwanted development.

Haddix explained that he was not proposing a blanket moratorium. He structured it strictly for retail. Studies had shown that all retail was not good, and big box development actually had a negative economic impact. A moratorium would give the City a breather to get the ordinances in place in a reasonable, well thought-out manner and would not affect any existing retail or anything currently in the process.

Boone noted that the City had 78.7 commercially-zoned acres left undeveloped, which was not a lot. He suggested passing the torch to staff to propose the needed changes in the Comprehensive Plan and the ordinances. The capable Planning Commission and Council would both have a chance to look at it. The tax revenue from commercial developments offset the millage rate. He was adamantly opposed to a moratorium.

Sturbaum favored the moratorium. He said the City needed to look at the ordinances. He complimented staff and the Planning Commission for its efforts, but noted a moratorium would

give staff time to do the research that was needed. Council would have to look at taxes anyway, but also needed to look at where the City would be in 15 years. He noted that a moratorium would provide a cooling off period to give the City time to look at the ordinances.

Plunkett pointed out that the moratorium would not stop big boxes from going into the industrial park since it was for commercially zoned property. There was not a lot of retail that did not have a conceptual site plan in place. She agreed that government moved slowly. A moratorium would give the City time to work on ordinances, but if Council agreed there were certain things that needed to be worked on, then they should work on those things. She preferred doing that opposed to putting the City in a situation where the moratorium would be challenged and could not win. An aggressive timeline to tweak the ordinances could be set.

Haddix said the proposed moratorium was not linked to commercial zoning, but commercial planning. The trigger would be a retail proposal, not if it was located in a commercially-zoned area. The City lost under the big box (special permit) ordinance because it had exclusion clauses that had been exercised in the past. It was not just about the land left, but also redevelopment and annexation. The moratorium looked at every commercial plan down the road.

Plunkett asked Meeker how a moratorium would affect current commercially-zoned properties with buildings already in existence and whether it would stop another building being put in place. Meeker said if a new conceptual plan was submitted for re-development of a center, then the moratorium would apply. If the plan was a change or remodel to an approved plan, then it would not apply. Plunkett said she did not think that the moratorium mechanism would fix the problems.

Logsdon said that, based on the Georgia Municipal Association (GMA) training he had attended, a city received \$3.45 back in tax revenue for every \$1 the city spent on commercial, in general. Retail worked to the City's benefit. There was a timeline in place for the Comprehensive Plan update, which was scheduled to come before Council for a vote in April. Once the Comprehensive Plan was in place, the City would start to work on the ordinances to support the plan. The City had to follow through with the Comprehensive Plan; it was important to stay the course and get the ordinances in place to support it. The City had followed the plan. It needed tweaking now and then, and the City was in that process. He noted that Doug McMurrain (Capital Cities Development and RAM Development) had submitted a site plan for SR 54 West. He did not like it, but McMurrain had to file the plan to get it in under the wire of the proposed moratorium. Columbia Properties had also filed its site plan to get in under the wire. It was more prudent to stick with the plan and the timeline. The timeline could be adjusted so the ordinance amendments could be done more quickly.

Plunkett said that, in the meantime, the City could extend the big box restrictions into the industrial park. The City could also look at some of the allowed uses in the industrial park and fix those with ordinance amendments. Work on these items would tie in with what would be suggested in the Comprehensive Plan update. The work could be done aggressively. A moratorium would not fix what Haddix wanted it to fix, and it also created a lot of issues the City did not need to deal with.

Boone moved to not approve the moratorium on new retail or commercial development. Plunkett seconded. The motion carried 3-2 (Haddix, Sturbaum).

01-08-06 Consider Bid – Catch Basin and Pipe Cleaning

Stormwater Utility Manager Mark Caspar addressed Council. He noted that the catch basin and pipe cleaning would keep the City in compliance with the Phase II Notice of Intent (NOI) for Municipal Separate Storm Sewer Systems (MS4), which required the City to make an effort to inventory and maintain its infrastructure. The bid also included any needed video inventory of the infrastructure. The bid was based on the inventory of the last two years. Staff recommended the bid be awarded to Rhino Services of Palmetto for an amount not to exceed \$60,000.

Sturbaum noted that Rhino's bid was considerably less expensive in six of the categories and asked why that was so. Caspar speculated that it was most likely due to Rhino's closer proximity to the City than the other bidders, which meant its mobilization costs would be less. Rhino could respond to an emergency in 30 minutes, while the other bidders required 60 minutes and one needed 72 hours. Rhino also already had the contract for street sweeping in the City, which could also have an effect on the cost.

Boone asked what the past experience had been with the company. Caspar said that Rhino Services had done an outstanding job with the monthly street sweeping over the last year.

Boone moved to approve the bid from Rhino for catch basin and pipe cleaning for an amount not to exceed \$60,000. Sturbaum seconded. The motion carried unanimously.

01-08-07 Consider Bid – Station 83 Remodel

Fire Marshal John Dailey asked Council to approve the bid for \$224,740 from Hulon Construction and General Contracting Company, LLC, for the addition to Fire Station 83 located on Peachtree Parkway South.

Boone asked if the project was included in the budget. McMullen said it was in the Public Improvement Program (PIP). Boone clarified that the project had been on the books for some time. Dailey said it had. There had been some issues, including clarification on some architectural site issues and how water runoff would be managed, as well how the sewage would get to the septic tank on the site. It was a considerable distance to the sewer line and would be costly to tie into the system.

Logsdon pointed out that the current budget had \$127,000 for the project, with \$98,000 coming out of the 2007 PIP. Fire Chief Ed Eiswerth noted that \$127,000 had been budgeted for the project four or five years ago. Staff knew the estimate was too low a few years ago, but his predecessor had not wanted to increase the estimate. The project had gone through the bid process twice, and the cost for the sewage was more than originally projected.

Logsdon noted that \$32,711 would be left in the 2007 PIP contingency and asked if there were any other ongoing projects that might need those funds. McMullen said the other project in the 2007 PIP contingency was the Police Department renovation. There was also \$200,000 in the 2008 PIP contingency. In addition, the City had received the \$200,000 reimbursement for the TDK Boulevard extension from Fayette County. Additional contingency funds were available.

Plunkett asked if the TDK reimbursement was included in the FY 2008 budget. McMullen said the returned TDK funds had not been included in the budget, although it had been discussed. The reimbursement had been included as revenue in the FY 2008 budget. There were six different PIP contingency accounts. Each year, the City looked at the accounts to determine if funds needed to be left for any uncompleted projects. The FY 2005 PIP contingency fund had \$33,000 left; the FY 2006 fund had \$55,000 left. There was \$39,000 left in the contingency funds from earlier years. There was a total of \$557,000 in contingency funds left for all the projects that had not been completed. While there were other demands on the remaining \$37,000 in the 2007 PIP contingency, there were other funds from which the City could draw if needed.

Boone moved to approve the bid from Hulon Construction and General Contracting Company, LLC, for the Station 83 remodel for the bid amount of \$224,740. Sturbaum seconded. The motion carried unanimously.

01-08-08 Consider Bid – Landscaping and Grass Cutting Services

Public Services Director Tom Corbett addressed Council and said he and Leisure Services Director Randy Gaddo both recommended Council award the bid to TruGreen LandCare of Stone Mountain, which was part of TruGreen ChemLawn. Corbett noted that there was a large variance in the bid returns, adding that the bids on the lower end were closer to market price for the services. He added that the company had a high presence in the community working with the Board of Education, which probably had some effect on the low bid that was submitted. Corbett continued that he talked to 29 communities when he put the specifications together. This was an initial look at outsourcing some services. He pointed out that no employee would lose their position in either department. Two open positions in each department had been redlined to help cover the cost. The work would cost the City \$140,208 this year. The areas included the landscaping on SR 74 North and SR 54 East, the grass-cutting along the rights-of-way and the shoulders. The bid for the same work was \$45,420.

Logsdon asked if the company provided its own machinery and fuel. Corbett said they provided everything. Corbett noted that the outsourcing of grass-cutting was a growing item in municipal and county government. It was a highly competitive market, and 29 companies had submitted bids.

Plunkett asked if the City would supplement the service when special events were scheduled that did not fall within the grass cutting cycle. Corbett said that it would, but noted that the areas involved in the bid were not usually involved in those activities. If this contract worked well, then staff would look at including other areas. Plunkett asked Gaddo if the bidder would meet the current standards for the sports fields. Gaddo said that the fields would be cut once a week, and the City would oversee the work to ensure the standards were met. His department would still have its own mowers that could be mobilized if needed. Corbett added that one of the specifications was that the City standards had to be met. If the work did not meet the standards, then the company would have to come back and do it again.

Plunkett moved to allow the Mayor to execute a contract for certain landscaping and grass cutting services with TruGreen LandCare as itemized in the memo for \$45,420.43. Boone seconded. The motion carried unanimously.

01-08-09 Consider Ordinance Amendment – Street Design Standards, Private Streets

Rast noted that this ordinance had been updated. Some developers had built private streets that did not meet the City's standards in order to build more homes in some of the cluster home subdivisions. The homeowners associations (HOAs) in those subdivisions owned the streets inside the developments and were responsible for maintaining the streets. The first homeowners usually knew the streets were private, but as the properties changed hands the subsequent homeowners were not aware of the ownership. The City had received calls from individual homeowners and HOAs asking the City to maintain or repair the streets. Staff met with those HOAs to discuss taking over the streets, but the streets could not be brought up to current City standards due to the setback issues. Private streets were not appropriate in any of the pending subdivisions. Staff did not want to allow any more private streets and asked Council to strike them from the ordinance.

Haddix asked how the change in the ordinance would affect any future condominium complexes. Rast said multi-family and retail projects were platted as an entire lot, not as individual lots.

Plunkett moved that the City no longer allow private streets in single-family development and to adopt the amendment to the ordinance. Boone seconded. The motion carried unanimously.

01-08-10 Consider Ordinance Amendment – Street Design Standards, Procedures for Renaming a Public Street

Rast noted that the proposed amendment was a housekeeping issue. Currently, the process required the request, which included signatures of the property owners on the street, go to the City Planner, who checked with Fayette County E-911 to determine if the name was acceptable. The request was then forwarded to the Planning Commission for action. The proposed amendment would require the request to be heard by Council. Sometimes there might be information that the Planning Commission might not know, and Council would be aware of the change. There had been one street renaming request in the last 10 years. Stallings Road was changed to Aviation Way when the street was paved.

Plunkett asked why there was a fee. Rast said there were advertising requirements, and the fee brought the process in line with variance procedures.

Plunkett read a portion of the proposed amendment that would require 51% of the residents on a street to sign the request. She noted that there were no homes that fronted MacDuff Parkway, so what would happen in that case. Rast said that street was a major collector in the City, and a resident would go to a Council Member, who would make the request. Plunkett suggested the language be changed to be more concise. Logsdon said a resident that wanted to change the name of a major thoroughfare could just approach Council. McMullen pointed out that no one fronted most of the City's collector roads. Changing a street address caused expenses for the people who lived on a street. Rast noted that another section of the ordinance addressed the renaming of streets by the City itself.

Sturbaum moved to accept the amendment to Article VIII Requirements for Streets and Other Right-of-ways in the spirit of procedures for renaming a public street. Plunkett seconded. The motion carried unanimously.

01-08-11 Consider Hiring Consultant to Assist with Legislative Issues

Logsdon asked Council to consider hiring a consultant to assist with issues in the upcoming legislative session involving Georgia Regional Transportation Authority (GRTA) legislation. The intent was to be proactive so the City did not find itself in the same situation it was in last year regarding the Coweta County Developments of Regional Impact (DRIs) and the TDK Boulevard extension. The proposed legislation would give the jurisdictions involved in a DRI with cross-jurisdictional impact to have the same authority to override GRTA. The legislation was good, and Logsdon had met with Lt. Gov. Casey Cagle and Senator Ronnie Chance. It was time to hire a consultant to knock on doors at the Capitol and get the legislation moving. The same consultant could also work on the Point of Sale issue.

Plunkett moved to hire a consultant at \$7,000, which would come from the TDK refund. It should be a joint effort and the City should look for the County and the other County municipalities to contribute and to put the matter on the next Association of Fayette County Governments (AFCG) agenda. Boone seconded. The motion carried unanimously.

Council/Staff Topics

Update on Police Department Renovation

City Engineer Dave Borkowski reported that the contractor was working steadily on the building. All the wall and ceiling tile demolition was complete. They were currently removing the floor coverings. The wall had been removed to expand the evidence room per the contract, and the block walls and the ceiling were up. The HVAC modifications were ongoing. The major equipment was on order, and the existing duct work had been cleaned per the contract. A third party architect had completed a review of the exterior schemes of the building. He should receive the report on Monday, January 7, along with a cost estimate for the work.

Plunkett asked if anything unexpected had been found. Borkowski said that they found the walls had not been built per the plans. There were issues with the flashing and the weep holes. Plunkett asked if the costs were in line to this point. Borkowski said he would get more information on the cost from the third party architect's report. Plunkett asked to have that information at the Council workshop the following week. McMullen said a workshop was scheduled, but staff had not heard from one of the consultants regarding an agenda item. There were two other items on the agenda. Plunkett said she would like a memo on the report if possible. McMullen said they would bring copies of the report to the workshop.

Plunkett asked Rast if it would be possible to have revisions to the big box (special use permit) ordinance by the January 17 meeting. Meeker said it was a zoning text ordinance. It had to go through the Planning Commission first, and advertising requirements had to be met. Rast said there were several ordinance amendments on the Planning Commission's January 14 agenda, which was the same week as the Council meeting. McMullen said the items were on the February 21 Council agenda. Plunkett said, if possible, she preferred the first meeting in February, but no later than the second meeting in February.

Haddix said that he and Sturbaum had inspected the Police Department headquarters building and asked if there was a drainage water barrier under the floor. Borkowski said there was plastic vapor barrier under the concrete. Haddix asked why water was getting in. Borkowski said the barrier was basically a vapor retardant. Vapor could still get through the concrete; it just

happened. Haddix said the water damage began at the exterior wall and looked like it was coming in through the foundation and wall cavity. McMullen said that, after the ceiling tile came down, it was found that the gypsum board terminated slightly above the suspended ceiling, which left an air passageway. The exterior bottom of the different wall surfaces were not sealed per the specifications either, which left another passageway that could have contributed to the moisture in the building. He expected the report to recommend that the gypsum board be continued to the bottom of the beam to eliminate the passageway.

Haddix said he was concerned that the City would not get a guarantee that the problem was fixed. Borkowski said there would be a guarantee on the sealant, but no one would guarantee whether the repairs would work. All the consultants had come to the same conclusion regarding the repairs. A series of things had contributed to the problem. Haddix asked why the City was struggling so hard to save a building with bad construction, workmanship, and design. Borkowski said they had not reached the point where it would be cheaper to demolish the building and build a new one. Haddix said the building should come down and come off the site or the City could be in the same situation in three or four years. Boone and Plunkett recalled that the cost to buy more land and build another building would be slightly over \$3 million. McMullen said they would ask the architects to provide a presentation on their report if Council wanted it. There was no argument that the building had not been constructed the way it should have been. They were getting a better design that was in line with the standards found in the good buildings in the area. The building was not experiencing the typical problems found in a building of its age. In his assessment, there were problems with the construction and the architectural oversight during the construction, which resulted in the problems the building had today. He did not expect those problems from the firm the City was using now. Haddix said that, if he was correct, potentially the side of the building would be stripped and sheathed with a vapor barrier, and new siding would be installed. McMullen said that was correct.

Sturbaum noted that there was an inherent design flaw because of the three materials used in the building. He asked if there would be a recommendation for one type of material. McMullen said he had asked for that recommendation. Plunkett asked if that would add to the cost. McMullen said the firm was already recommending that all the exterior surfaces be replaced. He and Borkowski agreed there should be one exterior surface, rather than the brick, metal, and efis that had been used. One material would help with cost and construction issues. The money had not been approved for that work.

Sturbaum asked Meeker if the City could seek any relief from the architect or builder. Meeker said the building was six years old. The discrepancies were discovered after the six-year limitation period. In terms of the design flaws, Georgia law allowed a two-year window, which had also expired. There was also was an issue of whether discrepancies were due to the plans or the way it was constructed. When it was all added up from a legal perspective, it was not worth pursuing.

Logsdon said he would like for Council to be more involved with the commissions and authorities. He asked each member to choose one board to attend the meetings so Council would have a more timely knowledge of what was happening with the boards. He was willing to take more than one. The assignments would be made at the January 17 meeting.

Plunkett moved to convene in executive session for threatened or pending litigation, real estate, and a personnel matter at 9:01 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to reconvene in regular session at 9:43 p.m. Sturbaum seconded. The motion carried unanimously.

Plunkett moved to appoint Major Mike Dupree as Acting Police Chief until the position was filled. Boone seconded. The motion carried unanimously.

Haddix moved to authorize payment of a legal claim against the City. Boone seconded. The motion carried 4-0-1 (Plunkett).

There being no further business to discuss, Boone moved to adjourn. Plunkett seconded the motion. The motion carried unanimously. The meeting adjourned at 9:46 p.m.

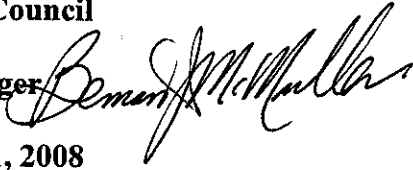
Betsy Tyler, Acting City Clerk

Harold K. Logsdon, Mayor

Pamela Dufresne, Recording Secretary

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council
FROM: City Manager 
DATE: January 11, 2008
SUBJECT: Request to Address Council: Honor Flight Fayette

Mr. Mark A. Buckner and Ms. Gail Sparrow have requested to address Council for less than five minutes to discuss 'Honor Flight Fayette'. Honor Flight is a nationally based non-profit organization designed to organize and raise resources to arrange for travel of World War II veterans to visit and experience the World War II Memorial in Washington, D.C. The purpose of the presentation is informative in nature. Mr. Buckner and Ms. Sparrow will advise Council of the resources required and reasons for the organization working in the Fayette Chapter.

Bernard McMullen

From: Randy Gaddo
Sent: Friday, January 11, 2008 2:53 PM
To: Bernard McMullen
Cc: Pam Dufresne
Subject: FW: Honor Flight Fayette

Here is the request as discussed...

thanks
Randy

From: Mark A. Buckner [mailto:mabuckner@rochester-assoc.com]
Sent: Friday, January 11, 2008 11:04 AM
To: Randy Gaddo
Cc: Gail Sparrow
Subject: Honor Flight Fayette

Randy

Honor Flight Fayette respectfully requests to be added to the Thursday January 17 Peachtree City Council meeting agenda.

Gail Sparrow will take 5 minutes to present our program to the council. We will be glad to answer any questions the council has.

Thanks for your time and this opportunity to attend the meeting.

Regards,
Mark A. Buckner

Mark A. Buckner GA RLS 2422
Rochester & Associates, Inc.
286 Highway 314 Suite A
Fayetteville, GA 30214
Office 770-716-8123
Cell 770-231-6708

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

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

FROM: Stormwater Manager *[Signature]*
Dave B for MSC

DATE: January 11, 2008

SUBJECT: Floodplain Ordinance Revisions
January 17, 2008 City Council Meeting

Recommendation:

Staff recommends that City Council adopt the attached ordinance revising the current Floodplain Management Ordinance.

Discussion:

Because the City of Peachtree City is part of the Metropolitan North Georgia Water Planning District (MNGWPD), the City must adopt certain ordinances pertaining to stormwater management. One of the ordinances we are required to adopt is the Floodplain Management/Flood Damage Prevention Ordinance.

The MNGWPD model ordinance is similar and no less restrictive than our current ordinance. The major difference is that the City must now regulate the future (buildout) conditions floodplain. This future conditions floodplain is in addition to the Federal Emergency Management Agency (FEMA) base flood floodplain that the City currently enforces.

The future conditions floodplain will have to be calculated by the City, or a developer of a proposed development. For example, if a developer/owner wants to build on a property that contains FEMA base flood floodplain, or has a stream that drains over 100 acres then the developer/owner must calculate the future conditions floodplain if the City has not done so. The engineers for Sany and John Wieland have been made aware of this requirement.

Any local government that fails to adopt substantially the applicable model ordinances, or something at least as effective, shall be ineligible for state grants or loans for stormwater related projects (OCGA Section 12-5-582(e)(4)). In addition, the Georgia Environmental Protection Division (EPD) will use its permitting authority to ensure that the ordinances are implemented (OCGA Section 12-5-582(e)(2-3)).

Since the bidding of the Flat Creek Bridge project was delayed in February of 2007 in order to coordinate with the adjacent homeowners, this ordinance now applies and will affect the design. The City will now be required to perform a future conditions floodplain assessment of Flat Creek and show that the bridge and approaches do not raise the future conditions floodplain by more than 0.01 ft. The City may also have to apply and receive a Conditional Letter of Map Revision from FEMA prior to construction.

Budget Impact:

There are substantial costs for calculating the future conditions floodplain elevations. Funds have been set aside from the Stormwater Utility Revenue Bond to calculate these elevations at a minimum of 10% each year.

Staff will coordinate with the engineer to determine if any additional funds are needed in the Flat Creek project to finish the design and future conditions floodplain modeling.

Attachments

cc: City Engineer
Stormwater Manager
Building Department
Planning and Zoning

O.C.G.A. § 12-5-582

GEORGIA CODE

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*** Current through the 2007 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES

CHAPTER 5. WATER RESOURCES

ARTICLE 10. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT

O.C.G.A. § 12-5-582 (2007)

§ 12-5-582. Model ordinances for effective storm-water management and for a district-wide watershed management plan; annual review; public meetings; certification by director; local compliance

(a) Within one year after May 1, 2001, unless such time period is extended by majority vote of the board, the district shall prepare for public comment one or more model ordinances for local governments designed to provide for effective storm-water management. Such model ordinances shall also include minimum design and development standards for local development as it may affect storm-water run-off quality and storm-water conveyance and infrastructure standards applicable to local governments. Upon receipt of public comment, the district shall finalize the model ordinances and publish the same.

(b) Within two years after May 1, 2001, unless such time period is extended by majority vote of the board, the district shall prepare for public comment a district-wide watershed management plan containing elements common to all watersheds within the district and containing within it watershed-specific components for watershed management. The plan shall build upon and be coordinated with existing watershed planning efforts undertaken by local governments and other entities in the district area and plans otherwise developed under this title. After receipt of public comment, the district shall approve the plan which shall meet all standards established by the director and shall include the following elements:

(1) Appropriate standards and methodologies for monitoring water quality and maintaining and organizing an inventory of collected water quality data;

(2) Descriptions of current pollutant loads by source categories, subsource categories, and specific sources where identifiable;

(3) Forecasts of potential future pollutant load increases by virtue of new development, growth, or other changes in watershed activities;

(4) Identification of streams or bodies of water within the applicable watershed having or requiring total maximum daily loads under applicable federal regulations; provisions for incorporating into the watershed-specific plan any implementation plan for total maximum daily loads as established by the director; and provisions to ensure that the watershed-specific plan conforms to requirements for implementation plans for streams requiring total maximum daily loads, such that said watershed-specific plan could be readily utilized by the director to meet

applicable federal requirements for implementation plans for total maximum daily loads;

(5) Establishment of priorities for protecting watershed resources and for obtaining pollutant load reductions or preventing future pollutant load increases, or both, and an explanation of the rationale for such priorities;

(6) Identification of specific effective control programs and strategies including specific regulatory or voluntary actions to attain and maintain applicable water quality standards, including any pollutant load reductions mandated by implementation plans for total maximum daily loads; identification of specific public or private organizational responsibility for carrying out such control programs or voluntary actions, including without limitation instances where control programs require coordination among multiple jurisdictions, such that there are reasonable assurances that applicable water quality standards will be attained or maintained, or both;

(7) The model ordinances established under subsection (a) of this Code section and any recommended additions or modifications to such model ordinances, if appropriate, to provide additional measures to improve storm-water run-off quality, including without limitation, requirements to retrofit or modify existing developments in order to improve storm-water run-off quality;

(8) Recommended changes to state or local laws, regulations, or ordinances necessary to implement the plans;

(9) A timetable for implementation of necessary elements of the plans for each jurisdiction including description of annual, measurable milestones for determining whether identified measures are being implemented;

(10) Estimates of costs and identification of potential sources of funding necessary for implementation of the plans;

(11) Education and public awareness measures regarding watershed protection; and

(12) Establishment of short-term and long-term goals to be accomplished by the plan and measures for the assessment of progress in accomplishing such goals and plan.

(c) The district shall review the watershed management plan and its implementation annually to determine whether there is a need to update such plan and shall report to the director the progress of implementation of its goals, and in any case the district shall prepare an updated watershed management plan no less frequently than every five years after finalization of the initial plan.

(d) The district shall hold public meetings concerning any plan or updated plan developed by the district under subsection (a), (b), or (c) of this Code section and shall publish for public notice and comment any proposed approval, disapproval, or conditional approval of any such plan.

(e) (1) Local governments within the district shall implement the provisions of the district plans

that apply to them. Should any jurisdiction fail to do so, the director shall exercise his or her powers pursuant to this chapter.

(2) Upon the district's approval of the plan, the director may modify all existing permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and 12-5-179 and any NPDES Phase I or Phase II General Stormwater permits to make them consistent with the plan. The director may include as a condition in any issued, modified, or renewed permit to any local government under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 or any NPDES Phase I or Phase II General Stormwater permit the applicable contents of the district plan.

(3) The director shall not approve any application by a local government in the district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase in the permitted water withdrawal, public water system capacity, or waste-water treatment system capacity of such local government, or any NPDES Phase I or Phase II General Stormwater permit, unless such local government is in compliance with the applicable provisions of the plan or the director certifies to the board that such local government is making good faith efforts to come into such compliance.

(4) Any local government that fails to adopt substantially the applicable model storm-water ordinance developed by the district under subsection (a) of this Code section, or something at least as effective as said model ordinance, and any local government that fails to adopt and implement the applicable plans developed by the district under this Code section shall be ineligible for state grants or loans for storm-water related projects determined by the director to be inconsistent with the terms of such model ordinance or such plans. The determination of the director may be appealed by the local government to the board, whose decision by majority vote shall be final.

(f) The watershed management plan shall be approved by the district only after certification by the director that the proposed plan is consistent with standards established by the director for such plan.

(g) Upon publication of the model ordinance of subsection (a) of this Code section, the district will coordinate a program to be administered by the Environmental Protection Division of the Department of Natural Resources to train local elected officials and other local personnel in uniform standards for the reduction or elimination of nonpoint source pollution. To the extent authorized by law, the Environmental Protection Division of the Department of Natural Resources shall ensure local government compliance with the model ordinance or equally effective ordinances.

AN ORDINANCE TO AMEND ARTICLE X, SECTION 1007,
OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO PROVIDE FOR FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION; TO
PROVIDE DEFINITIONS; TO ESTABLISH PERMIT PROCEDURES AND REQUIREMENTS; TO
ESTABLISH STANDARDS FOR DEVELOPMENT; TO PROVIDE FOR FLOOD DAMAGE
REDUCTION; TO ESTABLISH VARIANCE PROCEDURES; TO ESTABLISH VIOLATIONS,
ENFORCEMENT AND PENALTIES; AND FOR OTHER PURPOSES

Whereas, the flood hazard areas of the City of Peachtree City are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

Whereas, flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas; and

Whereas, effective floodplain management and flood hazard protection activities can (1) Protect human life and health; (2) Minimize damage to private property; (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public; and

Whereas, Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Peachtree City, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

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

Section 1. Article X, Section 1007, of the Land Development Ordinance of the City of Peachtree City, Georgia, as amended, is deleted in its entirety and replaced as follows:

Section 1007. Floodplain Management / Flood Damage Prevention

Section 1007.1. General Provisions

a. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

b. Applicability

This ordinance shall be applicable to all Areas of Special Flood Hazard within the City of Peachtree City.

c. Designation of Ordinance Administrator

The City Engineer is hereby appointed to administer and implement the provisions of this ordinance.

d. Basis for Area of Special Flood Hazard – Flood Area Maps and Studies

For the purposes of this ordinance, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS), dated 1996, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City of Peachtree City; or
 - (b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by the City of Peachtree City.

- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to the City of Peachtree City; or
 - (b) Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by the City of Peachtree City.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the office of the City Engineer.

e. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

f. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

g. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Peachtree City or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 1007.2. Definitions

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

* "Appeal" means a request for a review of the (appointed official)'s interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" is the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM, FIRM, or DFIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 1007.1(b).4. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood. Represents existing conditions.

"Base Flood Elevation" means the highest water surface elevation anticipated at any given point during the base flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

* "Existing Construction" Any structure for which the "start of construction" commenced before (12/01/1977).

* "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before 12/01/1977.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters; or

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map" or "FHBM" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map" or "FIRM" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" or "FIS" means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

"Future Conditions Flood" means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

"Future-conditions Flood Elevation" means the flood standard equal to or higher than the Base Flood Elevation. The Future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

"Future-conditions Floodplain" means any land area susceptible to flooding by the future-conditions flood.

"Future-conditions Hydrology" means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Historic Structure" means any structure that is;

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

"Manufactured Home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

* "New Construction" means any structure (see definition) for which the "start of construction" commenced after (12/01/1977) and includes any subsequent improvements to the structure..

* "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after (12/01/1977)

"North American Vertical Datum (NAVD) of 1988" is a vertical control used as a reference for establishing varying elevations within the floodplain.

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Permit" means the permit issued by the City of Peachtree City to the applicant which is required prior to undertaking any development activity.

"Recreational Vehicle" means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by light duty truck; and,
- (d) designed primarily not for use as a permanent dwelling but as temporary living

quarters for recreational, camping, travel, or seasonal use.

"Site" means the parcel of land being developed, or the portion thereof on which the development project is located.

"Start of Construction" means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Subdivision" means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary,

or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

"Substantially Improved Existing Manufactured Home Park or Subdivision" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 1007.3. Permit Procedures and Requirements

a. Permit Application Requirements

No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the City of Peachtree City a permit application on a form provided by the City of Peachtree City for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

b. Floodplain Management Plan Requirements

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management / flood damage prevention plan. This plan shall include the following items:

- (1) Site plan drawn to scale, which includes but is not limited to:
 - (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - (b) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
 - (c) Proposed locations of water supply, sanitary sewer, and utilities;
 - (d) Proposed locations of drainage and stormwater management facilities;
 - (e) Proposed grading plan;
 - (f) Base flood elevations and future-conditions flood elevations;
 - (g) Boundaries of the base flood floodplain and future-conditions floodplain;
 - (h) If applicable, the location of the floodway; and
 - (i) Certification of the above by a registered professional engineer or surveyor.

- (2) Building and foundation design detail, including but not limited to:
 - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - (c) Certification that any proposed non-residential floodproofed structure meets the criteria in Section 1007.5(b)(2);
 - (d) For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 1007.5(a)(6).
 - (e) Design plans certified by a registered professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;
- (5) Copies of all applicable State and Federal permits necessary for proposed development; and
- (6) All appropriate certifications required under this ordinance.

The approved floodplain management / flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

c. Construction Stage Submittal Requirements

For all new construction and substantial improvements on sites with a floodplain management / flood damage prevention plan, the permit holder shall provide to the City Engineer a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The City Engineer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

d. Duties and Responsibilities of the Administrator

Duties of the City Engineer shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;
- (3) When Base Flood Elevation data or floodway data have not been provided, then the City Engineer shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections 1007.4 and 1007.5;
- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- (6) When flood-proofing is utilized for a non-residential structure, the City Engineer shall obtain certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the City Engineer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
- (9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the City Engineer and shall be open for public inspection.

Section 1007.4. Standards for Development

a. Definition of Floodplain Boundaries

- (1) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

- (2) For all streams with a drainage area of 100 acres or greater, the base flood and future-conditions flood elevations shall be provided by the City of Peachtree City. If future-conditions elevation data is not available from the City of Peachtree City, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Peachtree City.

b. Definition of Floodway Boundaries

- (1) The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the City of Peachtree City. If floodway data is not available from the City of Peachtree City, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Peachtree City.

c. General Standards

- (1) No development shall be allowed within any area located at or below the base flood elevation except for new multi-use paths and perpendicular road or path crossings. No new path or perpendicular road or path crossing shall be allowed that could result in any of the following items under this section.
- (2) No development shall be allowed within the future-conditions floodplain that could result in any of the following:
 - (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (b) Reducing the base flood or future-conditions flood storage capacity;
 - (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
 - (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (3) Any development within the future-conditions floodplain allowed under Section 1007.4 (c) shall also meet the following conditions:
 - (a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
 - (b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
 - (c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

- (d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 1007.4(d);
- (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
- (f) Any significant physical changes to the base flood floodplain or increase in base flood elevations (0.01 ft or more) shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City of Peachtree City using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. The CLOMR or CLOMA must be approved by Peachtree City and FEMA prior to any land disturbance. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

d. Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the base flood or future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 1007.5(d) apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the City of Peachtree City prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA-approved methodology approved by the City of Peachtree City. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
- (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

e. Floodway Encroachments

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below.
- (2) Perpendicular encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the City of Peachtree City until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the City of Peachtree City.

f. Maintenance Requirements

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City of Peachtree City may direct the property owner (at no cost to the City of Peachtree City) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the City of Peachtree City.

Section 1007.5. Provisions for Flood Damage Reduction

a. General Standards

In all Areas of Special Flood Hazard the following provisions apply:

- (1) No new construction of residential or non-residential structures shall be allowed in any area that is at or below the base flood elevation, or within the Regulatory Floodway. Substantial improvements can be permitted if the entire structure is brought up to elevation standards in Section 1007.5(b).
- (2) New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 1007.4(c), 1007.4(d) and 1007.4(e) have been met;
- (3) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (4) New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (5) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

- (6) Elevated Buildings - All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (7) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (8) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,
- (12) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (13) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

b. Building Standards for Structures and Buildings within the Future-Conditions Floodplain

The following provisions, in addition to those in Section 1007.5(a), shall apply:

(1) Residential Buildings

(a) New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 1007.4(c), 1007.4(d) and 1007.4(e) have been met. If all of the requirements of Sections 1007.4(c), 1007.4(d) and 1007.4(e) have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 1007.5(a)(6).

(b) Substantial Improvements. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 1007.5(a)(6).

(2) Non-Residential Buildings

(a) New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 1007.4(c), 1007.4(d) and 1007.4(e) have been met. New construction that has met all of the requirements of Sections 1007.4(c), 1007.4(d) and 1007.4(e) may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the City Engineer.

(b) Substantial Improvements. Substantial improvement of any principal non-residential structure located in A1- 30, AE, or AH zones, may be authorized by the City Engineer to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the City Engineer.

(3) Accessory Structures and Facilities

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 1007.5(a)(6) and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) Standards for Recreational Vehicles

All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(b) The recreational vehicle must meet all the requirements for Residential Buildings—Substantial Improvements (Section 1007.5(b)(1)(b)), including the anchoring and elevation requirements.

(5) Standards for Manufactured Homes

(a) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 1007.4(c), 1007.4(d) and 1007.4(e) have been met.

(b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

(i) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or

(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 1007.5(a)(8).

c. *Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain*

(1) Residential Buildings – For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

(2) Non-Residential Buildings – For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

d. *Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and/or Floodway (A-Zones)*

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the City Engineer shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance. The City may also use the procedures outlined in the latest edition of the *Zone-A Manual* from FEMA to establish base flood elevations.

If data are not available from any of these sources, the following provisions shall apply:

- (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.
- (2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 1007.5(a)(6).

e. *Building Standards for Areas of Shallow Flooding (AO-Zones)*

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas the following provisions apply:

- (1) All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 1007.5(a)(6).
- (2) Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

f. *Standards for Subdivisions*

- (1) All subdivision proposals shall identify the area of special flood hazards and provide base flood elevation data and future-conditions flood elevation data;
- (2) All residential lots shall have 70% of the minimum lot size (for that zoning district) area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
- (3) All subdivision plans will provide the elevations of proposed structures in accordance with Section 1007.3(b).
- (4) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,
- (6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City of Peachtree City to reduce potential exposure to flood hazards.

Section 1007.6. Variance Procedures

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the City of Peachtree City, or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.

- (1) Requests for variances from the requirements of this ordinance shall be submitted to the City of Peachtree City. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Peachtree City. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) Any person adversely affected by any decision of the City of Peachtree City shall have the right to appeal such decision to the Peachtree City Council as established by the City of Peachtree City in accordance with procedures to be published in writing by the Peachtree City Council. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (3) Any person aggrieved by the decision of the Peachtree City Council may appeal such decision to the Peachtree City Municipal Court, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- (4) Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests, the City of Peachtree City and Peachtree City Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (8) Conditions for Variances:
 - (a) A variance shall be issued only when there is:
 - (i) a finding of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
 - (b) The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (c) Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (d) The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (9) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the City of Peachtree City and Peachtree City Council shall deem necessary to the consideration of the request.
- (10) Upon consideration of the factors listed above and the purposes of this ordinance, the City of Peachtree City and the Peachtree City Council may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.
- (11) Variances shall not be issued "after the fact."

Section 1007.7. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

a. Notice of Violation

If the City of Peachtree City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the City of Peachtree City by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

b. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Peachtree City shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Peachtree City may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) Stop Work Order -The City of Peachtree City may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in

effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

- (2) **Withhold Certificate of Occupancy** - The City of Peachtree City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) **Suspension, Revocation or Modification of Permit** - The City of Peachtree City may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City of Peachtree City may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Peachtree City shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Peachtree City has taken one or more of the actions described above, the City of Peachtree City may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the City of Peachtree City may issue a citation to the applicant or other responsible person, requiring such person to appear in (appropriate municipal, magistrate or recorder's) court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

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.

This _____ day of _____ 2007.

Harold K. Logsdon, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager *James M. Muller*
Developmental Services Director
City Engineer *David A. Bolinski*

FROM: Stormwater Manager *Dave B. Farnoc*

DATE: January 11, 2008

SUBJECT: Metro North Georgia Water Planning District Buffer Ordinance
January 17, 2008 City Council Meeting

Recommendation:

Staff recommends that City Council adopt the attached ordinance pertaining to stream buffers.

Discussion:

Because the City of Peachtree City is part of the Metropolitan North Georgia Water Planning District (MNGWPD), the City must adopt certain ordinances pertaining to stormwater management. One of the ordinances we are required to adopt is the Metro North Georgia Water Planning District Stream Buffer Protection Ordinance.

Any local government that fails to adopt substantially the applicable model ordinances, or something at least as effective, shall be ineligible for state grants or loans for stormwater related projects (OCGA Section 12-5-582(e)(4)). In addition, the Georgia Environmental Protection Division (EPD) will use its permitting authority to ensure that the ordinances are implemented (OCGA Section 12-5-582(e)(2-3)).

The MNGWPD model ordinance states buffer requirements that the City must enforce in addition to current ordinances. The MNGWPD model ordinance requires a 50 ft undisturbed buffer from the banks of the stream and an additional 25 ft setback from the buffer for impervious surfaces.

Because of the restrictive nature of this ordinance, there are grandfather provisions and exemptions in this ordinance. The grandfather provisions are as follows:

- Anything that was lawfully permitted and built prior to the adoption of this ordinance can be repaired and maintained.
- Anything that is currently under construction, fully approved for development, scheduled for permit approval, or has submitted for approval as of the effective date of this ordinance is grandfathered.

- Any land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance is also grandfathered.

The exemptions to this ordinance are as follows:

- Activities for the purpose of building one of the following:
 - stream crossing by a driveway, transportation route or utility line;
 - public water supply intake or public wastewater outfall structures;
 - intrusions necessary to provide access to a property;
 - public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
 - unpaved foot trails and paths; and,
 - activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 1016.4.2(1), above.
- Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the City Engineer on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City Engineer to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

- Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- For those properties which have certain rights conveyed via deed or other instrument of title, the construction or maintenance of any docks or other access points within such area provided, however, that such docks or access points shall not be increased in size or scope after the effective date of this ordinance.

This ordinance does not apply to the property immediately adjacent to Lake Kedron and Lake Peachtree, as this ordinance is only for streams. Property further uphill from the lakes adjacent to a stream that drains to the lake may be affected by this ordinance. The applicability would depend on the type of activity and the above grandfather/exemption provisions.

The City will review all proposals for land disturbance and determine if these MNGWPD buffers and setback would apply. For example, if an existing property owner wanted to build a new garage the City would determine if an applicable stream existed on the property. If a stream existed the City would note the buffer and setback requirements on the building permit and the development would have to observe the new buffer and setback.

As another example, if a garage existed prior to the adoption of this ordinance and was properly permitted, then the homeowner could repair and maintain the structure even if it is now in the new buffer or setback. No new land-disturbing activity could take place, however, that would expand the garage in the buffer or setback area.

Budget Impact:

There are no budget impacts in adopting this ordinance.

Attachments

cc: Engineering Department
Planning and Zoning
Building Department

O.C.G.A. § 12-5-582

GEORGIA CODE

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*** Current through the 2007 Regular Session ***

TITLE 12. CONSERVATION AND NATURAL RESOURCES

CHAPTER 5. WATER RESOURCES

ARTICLE 10. METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT

O.C.G.A. § 12-5-582 (2007)

§ 12-5-582. Model ordinances for effective storm-water management and for a district-wide watershed management plan; annual review; public meetings; certification by director; local compliance

(a) Within one year after May 1, 2001, unless such time period is extended by majority vote of the board, the district shall prepare for public comment one or more model ordinances for local governments designed to provide for effective storm-water management. Such model ordinances shall also include minimum design and development standards for local development as it may affect storm-water run-off quality and storm-water conveyance and infrastructure standards applicable to local governments. Upon receipt of public comment, the district shall finalize the model ordinances and publish the same.

(b) Within two years after May 1, 2001, unless such time period is extended by majority vote of the board, the district shall prepare for public comment a district-wide watershed management plan containing elements common to all watersheds within the district and containing within it watershed-specific components for watershed management. The plan shall build upon and be coordinated with existing watershed planning efforts undertaken by local governments and other entities in the district area and plans otherwise developed under this title. After receipt of public comment, the district shall approve the plan which shall meet all standards established by the director and shall include the following elements:

(1) Appropriate standards and methodologies for monitoring water quality and maintaining and organizing an inventory of collected water quality data;

(2) Descriptions of current pollutant loads by source categories, subsource categories, and specific sources where identifiable;

(3) Forecasts of potential future pollutant load increases by virtue of new development, growth, or other changes in watershed activities;

(4) Identification of streams or bodies of water within the applicable watershed having or requiring total maximum daily loads under applicable federal regulations; provisions for incorporating into the watershed-specific plan any implementation plan for total maximum daily loads as established by the director; and provisions to ensure that the watershed-specific plan conforms to requirements for implementation plans for streams requiring total maximum daily loads, such that said watershed-specific plan could be readily utilized by the director to meet

applicable federal requirements for implementation plans for total maximum daily loads;

(5) Establishment of priorities for protecting watershed resources and for obtaining pollutant load reductions or preventing future pollutant load increases, or both, and an explanation of the rationale for such priorities;

(6) Identification of specific effective control programs and strategies including specific regulatory or voluntary actions to attain and maintain applicable water quality standards, including any pollutant load reductions mandated by implementation plans for total maximum daily loads; identification of specific public or private organizational responsibility for carrying out such control programs or voluntary actions, including without limitation instances where control programs require coordination among multiple jurisdictions, such that there are reasonable assurances that applicable water quality standards will be attained or maintained, or both;

(7) The model ordinances established under subsection (a) of this Code section and any recommended additions or modifications to such model ordinances, if appropriate, to provide additional measures to improve storm-water run-off quality, including without limitation, requirements to retrofit or modify existing developments in order to improve storm-water run-off quality;

(8) Recommended changes to state or local laws, regulations, or ordinances necessary to implement the plans;

(9) A timetable for implementation of necessary elements of the plans for each jurisdiction including description of annual, measurable milestones for determining whether identified measures are being implemented;

(10) Estimates of costs and identification of potential sources of funding necessary for implementation of the plans;

(11) Education and public awareness measures regarding watershed protection; and

(12) Establishment of short-term and long-term goals to be accomplished by the plan and measures for the assessment of progress in accomplishing such goals and plan.

(c) The district shall review the watershed management plan and its implementation annually to determine whether there is a need to update such plan and shall report to the director the progress of implementation of its goals, and in any case the district shall prepare an updated watershed management plan no less frequently than every five years after finalization of the initial plan.

(d) The district shall hold public meetings concerning any plan or updated plan developed by the district under subsection (a), (b), or (c) of this Code section and shall publish for public notice and comment any proposed approval, disapproval, or conditional approval of any such plan.

(e) (1) Local governments within the district shall implement the provisions of the district plans

that apply to them. Should any jurisdiction fail to do so, the director shall exercise his or her powers pursuant to this chapter.

(2) Upon the district's approval of the plan, the director may modify all existing permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and 12-5-179 and any NPDES Phase I or Phase II General Stormwater permits to make them consistent with the plan. The director may include as a condition in any issued, modified, or renewed permit to any local government under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 or any NPDES Phase I or Phase II General Stormwater permit the applicable contents of the district plan.

(3) The director shall not approve any application by a local government in the district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase in the permitted water withdrawal, public water system capacity, or waste-water treatment system capacity of such local government, or any NPDES Phase I or Phase II General Stormwater permit, unless such local government is in compliance with the applicable provisions of the plan or the director certifies to the board that such local government is making good faith efforts to come into such compliance.

(4) Any local government that fails to adopt substantially the applicable model storm-water ordinance developed by the district under subsection (a) of this Code section, or something at least as effective as said model ordinance, and any local government that fails to adopt and implement the applicable plans developed by the district under this Code section shall be ineligible for state grants or loans for storm-water related projects determined by the director to be inconsistent with the terms of such model ordinance or such plans. The determination of the director may be appealed by the local government to the board, whose decision by majority vote shall be final.

(f) The watershed management plan shall be approved by the district only after certification by the director that the proposed plan is consistent with standards established by the director for such plan.

(g) Upon publication of the model ordinance of subsection (a) of this Code section, the district will coordinate a program to be administered by the Environmental Protection Division of the Department of Natural Resources to train local elected officials and other local personnel in uniform standards for the reduction or elimination of nonpoint source pollution. To the extent authorized by law, the Environmental Protection Division of the Department of Natural Resources shall ensure local government compliance with the model ordinance or equally effective ordinances.

HISTORY: Code 1981, § 12-5-582, enacted by Ga. L. 2001, p. 115, § 1.

O.C.G.A. § 12-5-582

AN ORDINANCE TO ESTABLISH ARTICLE X, SECTION 1016, OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE TO PROVIDE FOR THE PROTECTION OF STREAM BUFFERS; TO PROVIDE DEFINITIONS; TO ESTABLISH APPLICABILITY; TO ESTABLISH LAND DEVELOPMENT REQUIREMENTS; TO PROVIDE FOR COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND REQUIREMENTS; TO PROVIDE FOR PENALTIES, ENFORCEMENT, AND APPEALS; 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. Article X, of the Land Development Ordinance of the City of Peachtree City, Georgia, be amended, by adding Section 1016 as follows:

Sec. 1016 Metro North Georgia Water Planning District Stream Buffer Protection Ordinance

Section 1016.1. Findings

Whereas, the City Council of **Peachtree City** finds that buffers adjacent to streams provide numerous benefits including:

- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources
- (2) Removing pollutants delivered in urban stormwater
- (3) Reducing erosion and controlling sedimentation
- (4) Protecting and stabilizing stream banks
- (5) Providing for infiltration of stormwater runoff
- (6) Maintaining base flow of streams
- (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem
- (8) Providing tree canopy to shade streams and promote desirable aquatic habitat
- (9) Providing riparian wildlife habitat
- (10) Furnishing scenic value and recreational opportunity
- (11) Providing opportunities for the protection and restoration of greenspace

Section 1016.2. Purposes

It is the purpose of this Ordinance is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones along the streams of **Peachtree City** for the protection of water resources; and,
- (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 1016.3. Definitions

"Buffer" means, with respect to a stream, a natural or enhanced vegetated area (established by Section 1016.5 below), lying adjacent to the stream.

"Impervious Cover" means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

"Land Development" means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

"Land Development Activity" means those actions or activities which comprise, facilitate or result in land development.

"Land Disturbance" means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

"Land Disturbance Activity" means those actions or activities which comprise, facilitate or result in land disturbance.

"Floodplain" means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

"Parcel" means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

"Permit" means the permit issued by the **City of Peachtree City** required for undertaking any land development activity

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

"Protection Area, or Stream Protection Area" means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

"Riparian" means belonging or related to the bank of a river, stream, lake, pond or impoundment.

"Setback" means, with respect to a stream, the area established by Section 1016.5 extending beyond any buffer applicable to the stream.

"Stream" means any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of 25 acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the **City of Peachtree City** may require field studies to verify the existence of a stream.

"Stream Bank" means the sloping land that contains the stream channel and the normal flows of the stream.

"Stream Channel" means the portion of a watercourse that contains the base flow of the stream.

"Watershed" means the land area that drains into a particular stream.

Section 1016.4. Applicability

This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 1016.3 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

This ordinance shall also apply to all new subdividing or re-subdividing, and platting or re-platting activities which occur on or after the effective date of this ordinance.

1016.4.1. Grandfather Provisions

This ordinance shall not apply to the following activities:

- (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.
- (2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
- (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.
- (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

1016.4.2. Exemptions

The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- (1) Activities for the purpose of building one of the following:
 - a stream crossing by a driveway, transportation route or utility line;
 - public water supply intake or public wastewater outfall structures;
 - intrusions necessary to provide access to a property;
 - public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
 - unpaved foot trails and paths;
 - activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
- (2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 1016.4.2(1), above.
- (3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.

- (4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the City Engineer on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City Engineer to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- (7) For those properties which have certain rights conveyed via deed or other instrument of title, the construction or maintenance of any docks or other access points within such area provided, however, that such docks or access points shall not be increased in size or scope after the effective date of this ordinance.

This ordinance shall apply to all new subdividing or re-subdividing, and platting or re-platting activities which occur on or after the effective date of this ordinance.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 1016.5.2 below.

Section 1016.5. Land Development Requirements

1016.5.1. Buffer and Setback Requirements

All land development activity subject to this ordinance shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

1016.5.2. Variance Procedures

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the **City Engineer** finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City Council of **Peachtree City** may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
- (2) Except as provided above, the **City Council of Peachtree City** shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the **City Council**. The **City of Peachtree City** shall give public notice of each such public hearing in a newspaper of general circulation within **Peachtree City**. **Peachtree City** shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
 - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be maintained;
 - e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - f. A calculation of the total area and length of the proposed intrusion;
 - g. A stormwater management site plan, if applicable; and,
 - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (4) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and,
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 1016.6. Compatibility with Other Buffer Regulations and Requirements

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 1016.7. Additional Information Requirements for Development on Buffer Zone Properties

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- (1) A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone; and,
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
- (2) A description of all proposed land development within the buffer and setback; and,
- (3) Any other documentation that the City Engineer may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Section 1016.8. Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon **Peachtree City**, its officers or employees, for injury or damage to persons or property.

Section 1016.9. Inspection

The **City Engineer** may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the **City Engineer** in making such inspections. **Peachtree City** shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 1016.10. Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

1016.10.1. Notice of Violation

If the **City Engineer** determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the **City Engineer** by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

1016.10.2. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the **City Engineer** shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the **City Engineer** may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order** - The **City Engineer** may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- (2) **Withhold Certificate of Occupancy** - The **City Engineer** may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) **Suspension, Revocation or Modification of Permit** - The **City Engineer** may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the **City Engineer** may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the **City Engineer** shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the **City Engineer** has taken one or more of the actions described above, the **City Engineer** may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the **City Engineer** may issue a citation to the applicant or other responsible person, requiring such person to appear in (**appropriate municipal, magistrate or recorders**) court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 1016.11. Administrative Appeal and Judicial Review

1016.11.1 Administrative Appeal

Any person aggrieved by a decision or order of **City Engineer**, may appeal in writing within 15 days after the issuance of such decision or order to the City Council of **Peachtree City** and shall be entitled to a hearing before the **City Council** within 30 days of receipt of the written appeal.

1016.11.2. Judicial Review

Any person aggrieved by a decision or order of **City Engineer**, after exhausting all administrative remedies, shall have the right to appeal such decision or order by filing a Petition for Writ of Certiorari in the Superior Court of Fayette County, Georgia.

Section 1016.12. Severability

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

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.

This _____ day of _____ 2007.

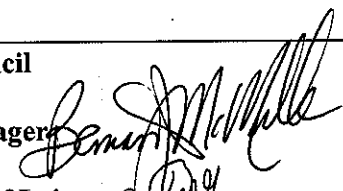
Harold K. Logsdon, Mayor

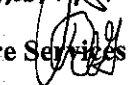
Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

VIA: City Manager 

FROM: Director of Leisure Services 

DATE: Jan.11, 2008

SUBJECT: Consider Lease Agreement with Tourism Association for
Tennis Center & Amphitheater
For Jan. 17, 2008 City Council Meeting

Recommendation: Recommend that Council authorizes the mayor to sign the attached lease agreement between the Peachtree City Tourism Association Inc. and the City of Peachtree City relative to use of the property and facilities at the Amphitheater and Tennis Center.

Discussion: This is an update to a previous agreement that existed between the city and the Peachtree City Development Authority, which no longer operates the Amphitheater and Tennis Center. The agreement has been revised to account for the facilities and the property they encompass at the two venues, as well as other housekeeping items. The City Attorney drafted this revision. The Tourism Association attorney has reviewed the agreement and edits have been incorporated. The Tourism Association Board is scheduled to consider this agreement for approval on Wednesday, January 16.

Budget Impact: There is no budget impact related to the authorization for the mayor to sign this agreement.

STATE OF GEORGIA

COUNTY OF FAYETTE

AMENDMENT TO LEASE

WHEREAS, a Lease Agreement (hereinafter "Agreement") by and between the City of Peachtree City (hereinafter called "Lessor") and the Peachtree City Tourism Association, Inc. (hereinafter called "Lessee") was entered into on January 5, 2004; and

WHEREAS, Lessor and Lessee amended Section 3.3 of said Lease on _____; and

WHEREAS, Lessor and Lessee have mutually agreed that the terms of said Agreement set for in Paragraph 1.1 should be amended.

NOW THEREFORE, Lessor and Lessee agree to amend Paragraph 1.1 of the Agreement as follows:

1.1 Lessor does hereby rent and lease to the Lessee property and facilities thereon designated as the Frederick W. Brown, Jr. Amphitheater, the Peachtree City Tennis Center (thereinafter referred to collectively as "Premises") and the former recreation building located at 201 McIntosh Trail, Peachtree City, Georgia 30269, which is utilized by the Lessee, provided however that the premises and property leased by the Lessee does not include the space depicted as "SCT" space on the attached basement floor plan for the building located at 201 McIntosh Trail, Peachtree City, Georgia 30269, and shown on Exhibit "A" to this Second Amendment to Lease Agreement.

The parties agree and acknowledge that all remaining terms and conditions set forth in the Agreement remain in full force and effect, but if any of the terms of said Agreement are in conflict with the terms of this Agreement, the terms of this Amendment shall control.

THIS AMENDMENT TO LEASE AGREEMENT EXECUTED IN COUNTERPARTS ON THE DATE BELOW EACH PARTY'S SIGNATURES AND SEALS WITH THE FULL INTENT TO BE BOUND THEREBY.

Peachtree City Tourism Association, Inc

Peachtree of Peachtree City, Georgia

By: _____
Chairperson

By: _____
Mayor

Date: _____

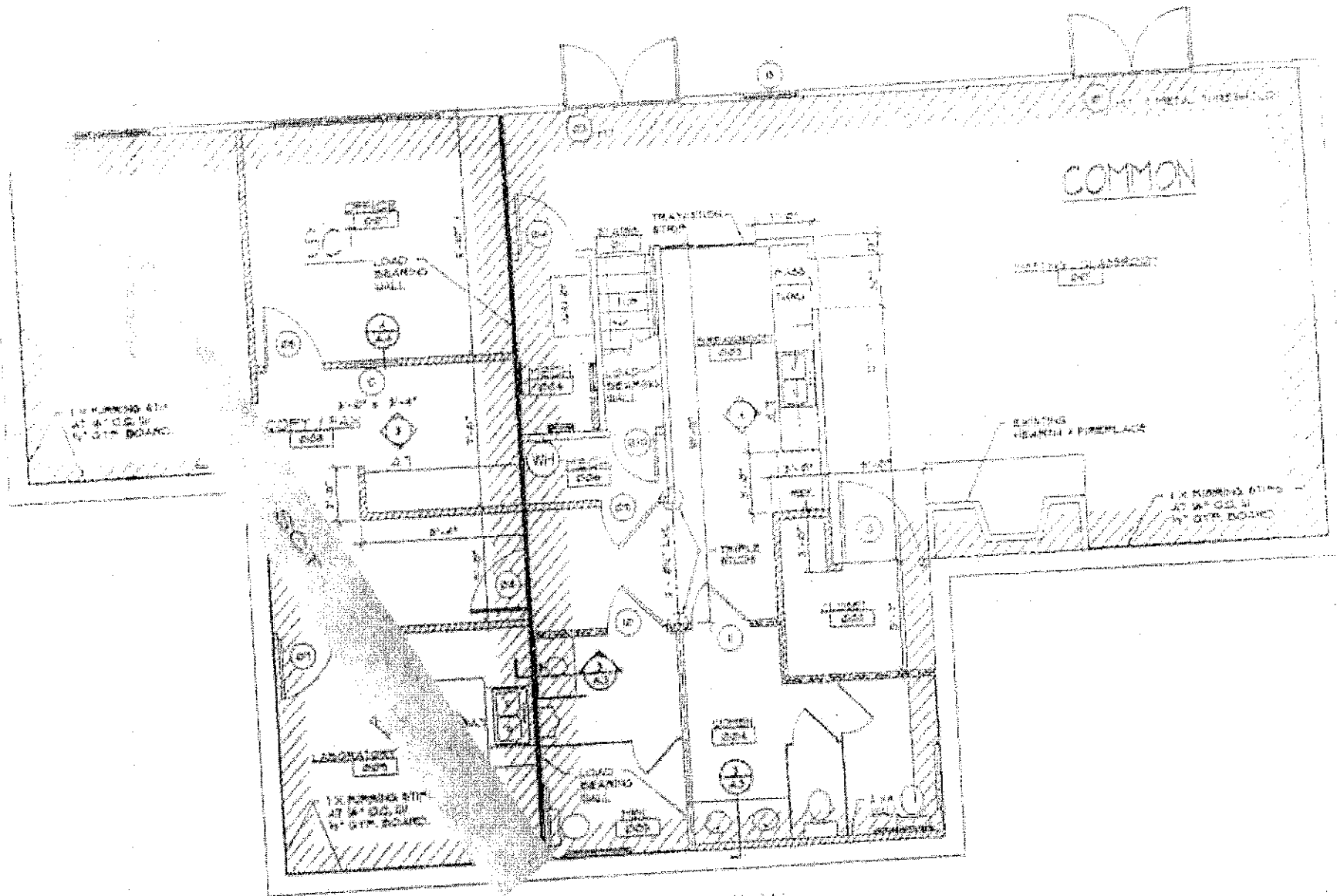
Date: _____

Attest:

Attest:

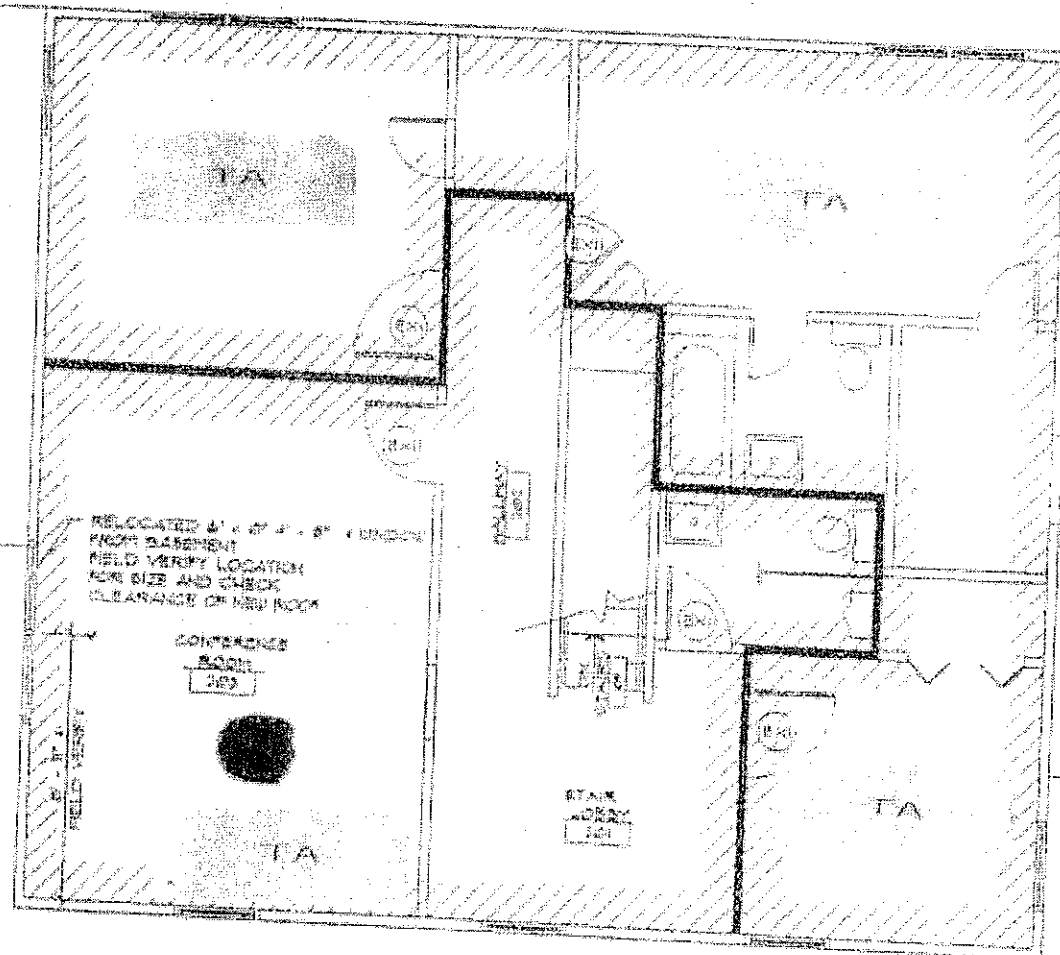
Secretary (SEAL)

Acting City Clerk (SEAL)



BASEMENT FLOOR PLAN
 1 AS
 SCALE 1/4" = 1'-0"

EXHIBIT A



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE:
END WORK IN EXISTING AREAS NOT NOTED ON FLOOR SCHEDULE

EXHIBIT A

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council

VIA: City Manager *Bernard McCall*
Finance Director *J.G.*

FROM: Director of Leisure Services *DS*

DATE: Jan. 9, 2008

SUBJECT: Consider Reuse Water to Irrigate BSC and eventually Meade Sports Fields
For Jan. 17, 2008 City Council Meeting

Recommendation: Recommend that Council considers approving staff to move forward with a plan to use Urban Reuse Water to irrigate sports fields at BSC, and eventually Meade Fields. Further recommend that Council approves a funding concept enabling WASA to construct necessary infrastructure for this application at BSC and establishing a long-term payback system based on a usage rate to be developed after infrastructure cost is determined.

Discussion: Urban Reuse Water is treated wastewater that has received advanced treatment to further purify it to irrigate public property such as golf courses or in this case, sports fields. Considering the on-going drought and water restrictions, staff has explored this as an available method of protecting some of our sports field investments. BSC is a good site because it is within easy reach of WASA's Rockaway Road plant, which can relatively easily be brought up to the standard needed to produce Reuse Water. Piping would be installed to transport the water from the plant to the existing BSC irrigation pond and from there pumped onto the fields with the existing irrigation equipment. Using the water on Meade Fields would entail more involved infrastructure so we are not considering it at this time but would like to be able to in the future.

The Recreation Commission has considered this topic at three separate public workshops as outlined in the **attached** informational email that was sent to Council on Dec.6, 2007. The workshops were announced in advance and were attended by the public as well as representatives of youth sports associations who use BSC and Meade fields. Information was presented by WASA's water quality engineer, Susan Lee, about the process used to purify the water and about the quality of the resulting product. She pointed out that the water has been used successfully on Planterra Golf Course since 2005. In addition, Mr. Curtis Boswell, Georgia's Reuse Water Coordinator at the State Environmental Protection Division, was at one of the meetings. He provided background on uses for Reuse Water around the state and confirmed that WASA's reuse water is high quality and suitable for sports fields. (See **attached comparison slide**)

A local retired biologist (Dennis Chase) did bring up a concern he has that the reuse process does not provide a 100 percent guarantee to eliminate certain viruses, and suggested a possible additional step in the process that might reduce risk even more. However, both Lee and Boswell provided information that confirmed the existing process does not represent a significant risk. The youth sports association representatives expressed support for the plan to use this water on the fields. They pointed out that injuries from playing on un-irrigated fields presented a greater risk. The Recreation Commission recommendation is to approve immediate implementation at BSC with the intent of further investigating Mr. Chase's suggestion to determine if it is feasible.

Larry Turner, WASA Manager, has presented this idea to his board and recommended that WASA fund the necessary infrastructure up front and establish a usage rate to charge the city for use in order to pay for the infrastructure over time. He said he did not have an exact usage rate at present but indicated that generally rates range approximately in the 25-50 cent/1,000 gallon range. Based on our usage rate of 8,748,000 gallons of water per year at BSC for irrigation, the usage cost there would be between an estimated \$2,000 and \$4,000 per year per the above approximated rate.

Budget Impact: Required upgrades to the WASA Rockaway Plant will be absorbed by WASA. WASA will provide needed pumps, piping, other infrastructure necessary to deliver the water from Rockaway to the BSC holding pond and labor with the intent of establishing a usage rate for the city that would pay them back over a 15 to 20 year period.

Pam Dufresne

From: Randy Gaddo
Sent: Thursday, December 06, 2007 6:20 AM
To: Bernard McMullen
Cc: Sherry McHugh; 'Colleen Sugar'; 'David Ring (E-mail)'; 'George Martin (E-mail)'; 'Joe Frazer'; 'Ken Hartzog'
Subject: Urban Reuse Water Background
Attachments: UrbanReuse.DOC; ReuseMemo.DOC; UrbanPanel.DOC

Bernie: attached is information about our initiative to explore the use of urban reuse water to irrigate sports fields at the Baseball/Soccer Complex (BSC) and Meade Fields.



UrbanReuse.DOC
C (39 KB)



ReuseMemo.DOC
C (36 KB)



UrbanPanel.DOC
(40 KB)

As the attached documents will demonstrate, we have already had two public discussions at Recreation Commission meetings, one each in October and November. At the November meeting there was a representative one each from youth soccer, baseball and softball, and they expressed a desire to press on with the initiative in order to save the investment in safe playing fields. One audience member (Dennis Chase, retired biologist) suggested that while the water purification process was good, it was not 100 percent assured that all viruses would be killed; he cited on-line research and one study that showed there could be an 8 in 1,000 chance that viruses could slip through the process. He also indicated there were further purification processes that he could suggest that would reduce risk even more. However, WASA engineer Susan Lee and state EDP reuse water coordinator Curtis Boswell, who both presented at the meeting, said that extensive research at local, state and federal levels has not reported one negative incident involving use of reuse water in recreational settings, including sports fields.

We have another public workshop planned for 6 p.m. Dec. 13 in the downstairs of the Amphitheater ticket office building. This will be a public workshop followed by a Commission meeting to vote on the recommendation they will forward to City Council.

The new information since the last meeting is that instead of having to pump the water about 2 miles from the Line Creek plant to BSC/Meade, for a nominal investment WASA can upgrade the Rockaway Road plant (adjacent to BSC and close to Meade) to produce reuse water and substantially reduce the cost of laying pipe and infrastructure to get water to our irrigation systems. The original cost for running it from Line Creek could have reached \$500,000; Larry Turner roughly estimated that for well under \$200,000 he could convert and permit the Rockaway Road Plant and install pipes. As far as funding is concerned, he stressed that he has not spoken to the WASA board (next meeting Dec. 10) and this would require board action; however, he suggested that possibly they could pay for the work up front and establish a usage fee for the city to pay back over time.

After having researched this and listening to the various viewpoints, and considering the extreme drought conditions that show no signs of letting up, I am going to recommend to the Commission that we proceed with the initiative with a phased process in mind. We would use the water at its current purified rate. At the same time, we would explore the additional processing that Dennis Chase suggested to determine if it is deemed appropriate to pursue in the future to further reduce risk.

Request that this information be forwarded to City Council for their information. We intend to place this on a near-future Council agenda (shooting for Jan. 17) when we hope to have funding information available as well.

Thanks
Randy

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Recreation Commissioners

FROM: Director of Leisure Services

DATE: October 9, 2007

SUBJECT: Consider Presentation re: Reclaimed Water to Irrigate BSC Fields
For Recreation Commission Meeting of October 15, 2007

Recommendation: Staff requests that the Commission consider a presentation by Larry Turner, Manager of the Water and Sewer Authority (WASA) regarding use of reclaimed water to irrigate the BSC sports fields.

Discussion: Reclaimed water is wastewater that has received treatment to further purify it and utilize at a reuse area such as a golf course or in this case, sports fields. Considering the on-going drought staff feels it is prudent to explore other methods of protecting our sports field investments. BSC would be a good test case because it is within relatively easy reach of WASA's Flat Creek plant, which is equipped to purify water to this level. Piping would need to be installed to transport the water from the plant to the existing BSC irrigation pond and from there pumped onto the fields with the existing irrigation equipment.

Staff recognizes that this is a subject many people do not understand. Therefore, I recommend that after Mr. Turner's presentation we schedule a public workshop with a panel discussion involving Mr. Turner, a representative from the Georgia Dept. of Natural Resources Environmental Protection Division and other appropriate panelists to provide information and views and be prepared to answer questions from the public. I recommend we invite representatives from all youth sports associations as well as city staff, elected and appointed officials, the general public and the media. This would be an educational, informational forum with no decisions being made. After the Commission has heard all input, at the next regular meeting we can decide how to proceed from there.

Staff also has included background information (emails) from the City of Acworth and the city of Winder, both who use reclaimed water on their sports fields.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Recreation Commissioners

FROM: Director of Leisure Services

DATE: Nov. 12, 2007

SUBJECT: Consider Presentation RE: Urban Reuse Water on BSC Fields

Staff requests that the Commission participate in the Panel Discussion Workshop on Urban Reuse Water to irrigate baseball and soccer fields at BSC. We would like the proposal discussed publicly before making a decision. I have attached a news release that went out on Tuesday Nov. 13 inviting the public to attend. We have also invited representatives from affected youth sports associations.

If the decision is made to go ahead with the proposal, there will be a cost to lay pipe, install infrastructure, etc. As of the writing of this memo WASA was working on an estimate which I will be able to discuss at the meeting. This is anticipated to be a significant capital expense that will need to be budgeted.

City of Peachtree City
Recreation Department
191 McIntosh Trail
Peachtree City, Georgia 30269
(770) 631-2542

News Release

For more information Contact: Randy Gaddo, 770-631-2542

For Immediate Release: Nov. 12, 2007

Panel Discussion Workshop Explores Urban Reuse Water on Sports Fields

The public is invited to a panel discussion concerning the application of Urban Reuse Water on youth baseball and soccer fields at the South 74 Baseball and Soccer Complex (BSC). The informational workshop session will be held in conjunction with the regularly scheduled Recreation Commission meeting on Monday, November 19, starting at 6:30 p.m. in City Hall Council Chambers.

Director of Leisure Services Randy Gaddo will introduce the subject and moderate the discussion. Two panelists will lead the discussion and answer questions from the Commission and audience. Susan Lee, water quality engineer at the Peachtree City Water and Sewer Authority (WASA), will explain exactly what urban reuse water is and the process used to purify it; and Curtis Boswell, Georgia's reuse water coordinator at the state Environmental Protection Division of the Department of Natural Resources, will talk about regulatory aspects of using reuse water and about how other cities around Georgia have fared using it.

Urban Reuse Water is highly treated effluent from waste water treatment plants. WASA's Line Creek plant was upgraded in 2004 to provide reuse water. According to WASA briefing material, urban reuse water is more reliable in both quality and quantity than water taken from local streams.

The fields at BSC have always been irrigated with water drawn from Line Creek; however, irrigation was suspended per a state-ordered watering ban several weeks ago.

To prepare the Line Creek plant to produce reuse water, WASA completed a major upgrade several years ago. A state-of-the-art filtration system was added, along with a higher level of ultraviolet disinfection to replace the old chlorination system. Other improvements included an in-line turbidity monitor to check water clarity, construction of a line pond for reuse water storage and installation of an automated diversion and electronic monitoring alarm system to alert operators if there are problems and enabling them to divert the water to an alternate holding pond.

Urban reuse water from this plant has been used successfully to irrigate the Planterra Ridge Golf Course since spring of 2005. Reuse water is not subject to watering bans and drought conditions.

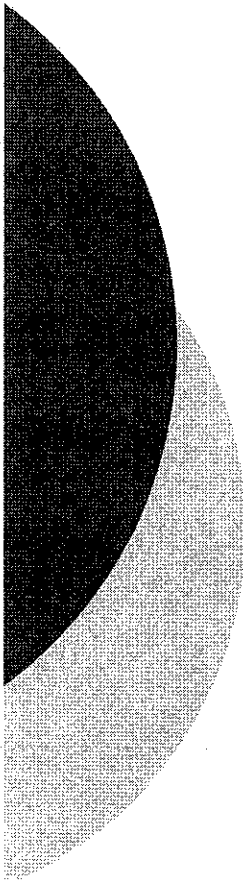
WASA materials also state that urban reuse water is less expensive than potable water and, as a sustainable resource, is in high demand in water challenged regions. With the on-going drought conditions in the Southeast, it seems like the right time to discuss this.

“We’ve actually talked about this with WASA in past years, but didn’t move in that direction because it is a subject generally not well understood by the general public and because there will be some expense involved in getting a pipe line from the Line Creek plant to BSC,” said Gaddo. “However, in light of the drought situation we felt we needed to take a serious look at it.”

Gaddo said that officers and members of the youth baseball and soccer associations, as well as the general public, have been invited to attend the presentation.

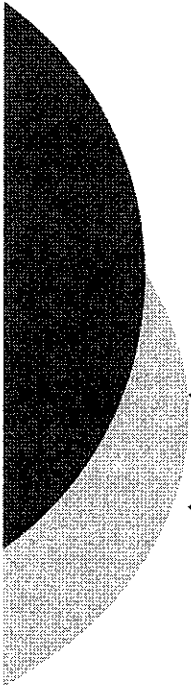
“This is strictly an informational session to learn about the subject,” Gaddo said. “We will not be making any decisions about this until we’ve fully researched it.”

For more information call the Recreation Department at 770-631-2542.



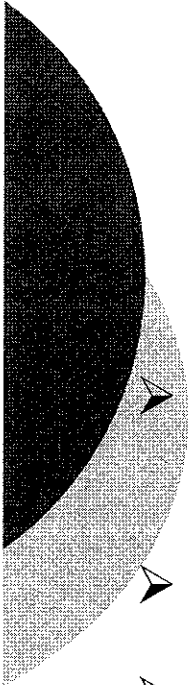
Reuse Water in Peachtree City

Is it right for your application?



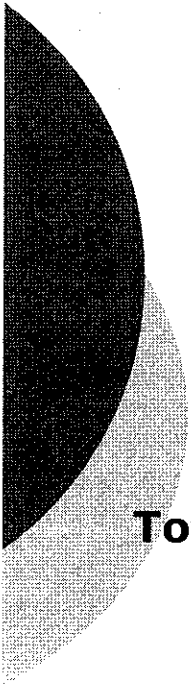
What it is....

- ❖ High quality treated effluent from WWTP
- ❖ More reliable – both quantity & quality – than streams
- ❖ Less expensive than potable water
- ❖ In high demand in more water challenged regions
- ❖ A sustainable resource



What it is NOT....

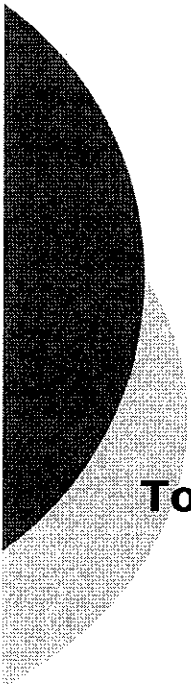
- Environmentally imposing
 - *Does not deplete limited natural resources*
- "Greywater" or partially treated wastewater
- As expensive as potable water
- Subject to watering bans & drought conditions
- Widely available in Peachtree City - YET



Comparison of Quality

	Typical Stream in GA	Reuse Requirements
Total Suspended Solids	***	5.0 mg/L
Turbidity	***	3 NTU
Fecal Coliform	***	23 cfu/100 mL

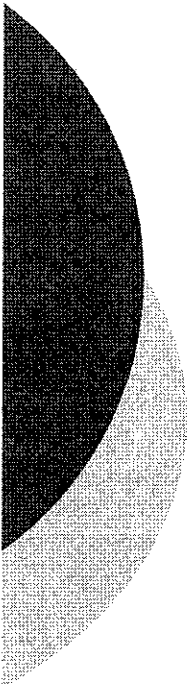
*** varies widely depending on weather and other environmental influences



Comparison of Quality (cont.)

	Line Creek 2005	Line Creek 2006	Reuse 2005/2006
Total Suspended Solids	23 mg/L	10 mg/L	2 mg/L
Turbidity	27 NTU	16 NTU	1.6 NTU
Fecal Coliform	339 cfu/100mL	154 cfu/100mL	6 cfu/100mL

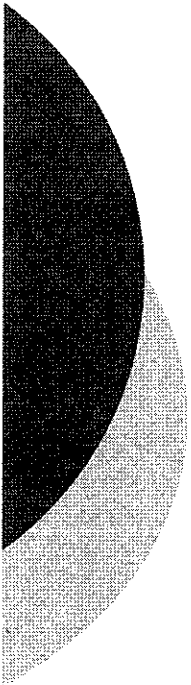
Note: Stream Data is from WASA Annual Report on Watershed Monitoring Plan: Reuse Data from monthly discharge reports submitted to EPD / EPA.



What treatment assures quality?

November 2004 - Construction project complete upgrading the Line Creek WASA Facility to provide Reuse Water. Modifications included:

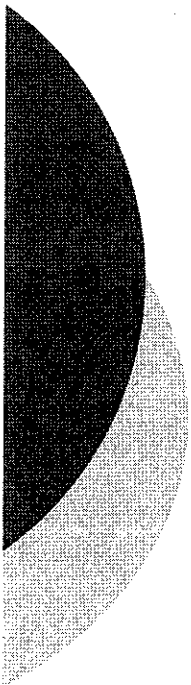
- Addition of state-of-the-art filtration
- Addition of UV disinfection with triple redundancy (replaced old chlorination system)
- Installation of in-line turbidity monitoring & recording device
- Construction of lined pond for storage of reuse water
- Installation of automated diversion & electronic monitoring / alarm system



Is It SAFE??

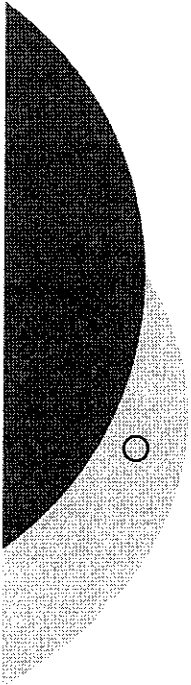
2005 Publication from Watereuse Foundation **Irrigation of Parks, Playgrounds, and Schoolyards with Reclaimed Water: Extent and Safety**

“...support overarching finding that the irrigation of parks, playgrounds, athletic fields, and schoolyards with highly treated and disinfected reclaimed water is safe and does not present any known health risk to children or others who frequent those sites that are measurably different than risks associated with irrigation using potable water.”



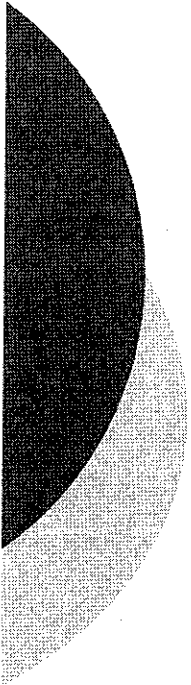
(cont.)

Publication further states that
*"...secondary treatment, filtration
and disinfection effectively
eliminates pathogenic bacteria and
helminths, and reduces enteric
viruses to low or immeasurable
levels. UV effectively inactivates
bacteria, most viruses, and
parasites..."*



Are Others Using Reuse Water?

- **In a sampling of 11 states in 2005, there were >200 Water Reclamation Facilities providing reuse water to >1600 parks, playgrounds, & schoolyards**
- **In Georgia, both City of Winder & City of Acworth are irrigating their ball fields with reuse water**
- **In Peachtree City, Planterra Ridge Golf Course has been irrigated with reuse water since Spring of 2005**



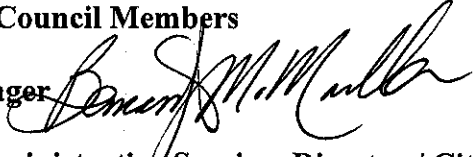
For More Information on Reuse Water:

- www.epa.gov
- Curtis.Boswell@dnr.state.ga.us
- Irrigation of Parks, Playgrounds,
and Schoolyards with Reclaimed
Water: Extent and Safety

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Acting Administrative Services Director / City Clerk 
Financial Services Director 

DATE: January 10, 2008

SUBJECT: Resolution and Ordinance Establishing Franchise Fees for State Cable
TV/Video Franchises
January 17, 2008, City Council Meeting

Recommendation:

That Council adopt the attached resolution and ordinance establishing a 4% franchise fee for state cable television and video service franchises.

Discussion:

New state law provides for the state to issue cable and video franchises, and AT&T has applied to the State for such a franchise. In order to collect the 4% franchise fee similar to that collected from Comcast, the City must have an ordinance in place establishing the franchise fee for these providers on revenues generated within the City Limits.

The attached resolution and ordinance were provided by the Georgia Municipal Association for municipalities to use in establishing the franchise fee for state-issued franchises.

Budget Impact:

This item should be budget neutral, allowing the City to continue to collect cable and video franchise fees from providers for customers who change their service from Comcast to a state franchisee.

Attachments

CITY OF PEACHTREE CITY
STATE OF GEORGIA

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF PEACHTREE CITY THROUGH THE COUNCIL TO
AUTHORIZE THE MAYOR OR THE AUTHORIZED REPRESENTATIVE OF SAID CITY TO
ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE AND VIDEO
FRANCHISES ISSUED BY THE STATE OF GEORGIA**

WHEREAS, the City of Peachtree City shall be notified by the Secretary of State's Office and a cable or video provider of an application for a state issued franchise in the city;

WHEREAS, the City currently collects a franchise fee from any current cable or video providers;

WHEREAS, the City considers collecting a franchise fee from a cable or video provider utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure;

WHEREAS, the City is authorized to collect a franchise fee of up to 5%, the maximum amount established by federal and state law, of each cable or video providers gross revenues generated within the city;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Peachtree City hereby requires a franchise fee of 4% for any cable or video state franchise issued in its corporate boundaries by the State of Georgia pursuant to O.C.G.A. 36-76-1 et seq. known as the "Consumer Choice for Television Act" of 2007.

IT IS SO RESOLVED, by the Mayor and City Council of the City of Peachtree City, Georgia this ____ day of _____, 2008.

Harold Logsdon, Mayor

ATTEST:

Betsy Tyler, Acting City Clerk

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF PEACHTREE CITY, GEORGIA, AS AMENDED, TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE OR VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA; TO DESIGNATE AN AGENT; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Peachtree City shall be notified by the Secretary of State's Office and a cable or video provider of an application for a state issued franchise in the city;

WHEREAS, the City of Peachtree City currently collects a franchise fee from any current cable or video providers;

WHEREAS, the City of Peachtree City considers collecting a franchise fee from a cable or video provider utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City of Peachtree City and to protect public works infrastructure;

WHEREAS, the City of Peachtree City is authorized pursuant to O.C.G.A. 36-76-1 *et seq.* known as the "Consumer Choice for Television Act" of 2007 to collect a franchise fee of up to 5%, the maximum amount established by federal and state law, of each cable or video provider's gross revenues generated within the city; and

WHEREAS, the City of Peachtree City is authorized to designate an agent to provide notice of the city's franchise fee rate;

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

Section 1. Chapter 26, Article IV, of the Community Antenna Television Systems Ordinance of the City of Peachtree City, Georgia, as amended, be added as follows:

Section 26-300. Franchise fee for state issued cable or video franchise.

The city hereby requires a franchise fee of 4% (four percent) of gross revenues generated within the city for any cable or video state franchise issued in its corporate boundaries by the State of Georgia.

Section 26-301. Authorized designee.

The city hereby authorizes the City Clerk, upon receipt of notice to the city of its right to designate a franchise fee for an applicant for or holder of an existing state franchise, to provide written notice to the Secretary of State and each applicant for or holder of a state franchise within a

service area that is wholly or partially located within the city limits of the 4% franchise fee rate applicable to such applicant or holder of a state franchise.

Section 3. The preamble to this ordinance is hereby incorporated into this ordinance as if set out fully herein.

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. 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.

This _____ day of _____ 2008.

Harold K. Logsdon, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Benjamin M. Muller*
Financial Services Director *P.S.*

FROM: City Planner/ Zoning Administrator *David*

DATE: January 11, 2008

SUBJECT: Re-evaluation of development impact fee ordinance
January 17, 2008 City Council Agenda

Recommendation:

Staff recommends that Council authorize the Mayor to enter into a not-to-exceed contract with Ross+associates in the amount of \$12,400 to evaluate our existing development impact fee ordinance as well as preparing an updated and revised impact fee ordinance and impact fee schedule. It is understood this is a sole-source contract for professional services.

Discussion:

The city's impact fee ordinance was originally adopted on August 6, 1992. At the time, the city was one of the first municipalities in the State of Georgia to enact an impact fee ordinance. Through the years, the ordinance has been updated to correspond to development in various areas of the city. Staff has supplied an annual update of the impact fee revenue and expenditures to the Georgia Department of Community Affairs as a part of our annual update to the Short Term Work Program and Capital Improvements Element.

Impact fee collection is assessed for residential growth only. We foresee a slight increase in impact fee collections as residential growth within Wilksmoor Village continues to develop, but it is a fact that impact fee revenue in general will continue to decline as the city reaches build-out of residential land.

The state has established stringent guidelines as to how impact fees can be collected and what these funds can be used for. These guidelines allow for the collection of impact fees for retail, commercial and industrial development as well as residential growth. A random survey of jurisdictions within the metro-Atlanta area found that many assess impact fees for residential, retail, commercial and industrial development.

Re-evaluation of development impact fee ordinance

January 11, 2008

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During discussion of the impact fees program for residential growth within Wilksmoor Village, City Council requested that Staff examine our existing impact fee ordinance to determine if impact fees could be assessed for other types of development throughout the city. Because this is such a specialized and detailed process, Staff identified a consultant that specializes in developing and managing impact fee programs. After an initial meeting with the consultant, we asked them to prepare a proposal to review our existing ordinance, make sure it is in compliance with state requirements, and then draft a new impact fee ordinance with associated fee schedules which would assess impact fees for residential, retail, commercial and industrial growth.

The timeline established in the proposal from Ross+associates (Attachment "A") complies with the timeline we have established for the update to the comprehensive plan. When this plan is presented to Council and then forwarded to the state for review, our plan is to present an updated impact fee ordinance, an updated capital improvements element as well as an updated summary of impact fee revenue and expenditures.

Budget impact:

This is currently an unbudgeted project. Because this work was requested by City Council, our recommendation is the \$12,400 be taken from the Council Contingency fund.

ROSS+associates

urban planning & plan implementation

January 9, 2008

Honorable Harold Logsdon, Mayor
Peachtree City
151 Willowbend Road
Peachtree City, GA 30269

Dear Mayor Logsdon:

Thank you for the opportunity to propose consulting services to Peachtree City regarding the preparation of an amendment to the Capital Improvements Element (CIE) and update of the current impact fee program. Our focus will be to confirm or update the current residential fees, to calculate appropriate impact fees for nonresidential uses, to assure conformance between the City's Impact Fee Ordinance and the State law, and to review and advise on the City's administrative procedures relating to impact fee collection and record keeping.

Our services will include advice and assistance to the City regarding the preparation of an update of the current impact fee calculations, an amended CIE meeting all requirements of the Department of Community Affairs (DCA), a revised Impact Fee Ordinance, and the preparation of an impact fee schedule to be used as an attachment to the Impact Fee Ordinance. The results of our proposed basic services will be the completion of an updated impact fee program and amended CIE for the City meeting all legal and administrative requirements.

Our assistance will include the following items:

1. Review of the current impact fee calculation methodology and CIE. Review of and revisions to the public facilities projects in the current impact fee program, with specific attention to possible changes in the public facility categories (including any applicable updates to project listings, estimated costs, and designated service areas). This will include the calculation of applicable impact fees for nonresidential land uses. An updated Impact Fee Methodology Report will be prepared.
2. Attendance at one City Council work session to review the Methodology Report and proposed changes to the CIE.
3. Preparation of an amended Capital Improvements Element following the direction of the City Council.
4. Attendance at one public hearing before the City Council on transmittal of the amended CIE to the Atlanta Regional Commission (ARC); review of comments from DCA or ARC (if any); and delivery of final amended CIE.
5. Preparation of an updated and revised Impact Fee Ordinance, including the revised impact fee schedule.

6. Review, advice and assistance on current impact fee collection, expenditure and reporting procedures.
7. Such additional services that the City may specifically request.
8. Continuing services—As with all of our clients, after adoption of the revised impact fee program, we are always available to answer basic telephone or email questions that may arise at no cost.

Our compensation will be billed on a lump sum basis for items 1, 2, 3, 4, 5 and 6 above, at a total not to exceed \$12,400. Additional services requested by the City under item 7, above, if any, will be invoiced on an hourly basis for professional and travel time plus reimbursement for the direct cost of normal and related expenditures at our standard hourly rates, as mutually agreeable between us at the time such additional services are requested. As an alternative, additional services may be negotiated on a lump sum basis at the City's option when appropriate to the work to be performed.

Invoices will be submitted no more often than once each month, and will be payable within thirty days of receipt. Each invoice will be based on the percent of the work completed during the preceding month and, if additional services were performed at the City's request, will be accompanied by an itemized report on time expended and reimbursable expenses (or percent complete for lump sum services).

You may terminate this agreement in writing at any time, or we may mutually agree to amend it depending on the requirements of the project. In any event, the terms of our agreement will lapse one year from the date of approval of this letter agreement unless extended by our mutual consent.

We understand that time is of the essence on this project. Assuming initiation of the project by February 1, the following is proposed as an expedited schedule:

1. Project initiation and organization – January.
2. Work item 1 (Methodology Report update) and 2 (work session) completed – February/March. Note that data gathering relies heavily on City staff and data availability, which may create delays if not provided in a timely manner.
3. Work item 3 (updated CIE) – March.
4. Work item 4 (transmittal and review of CIE) – April. Note that the City will need to submit the CIE Amendment to ARC. There is a built-in 45-to-60-day review period before the new CIE and resulting fee schedule could be adopted. If the City holds a public hearing to authorize ARC review in early April, the new fee schedule could be adopted by early to mid-June.
5. Work item 5 (updated Ordinance) and 6 (procedures) – May. The updated Impact Fee Ordinance, as well as a review and evaluation of current procedures, would be completed while the amended CIE is under DCA review. Adoption of the Ordinance, including any required public hearings, would be handled by City staff such that the CIE and Ordinance could be adopted at the same meeting.

Under this schedule, the impact fee program can be updated and adopted within a 5-month time frame from authorization to proceed. This is an aggressive schedule, but doable because of our familiarity with the City and DCA requirements, and past experience in other jurisdictions.

I look forward to working with you and the City Staff on this project, and completion in June, 2008 (pending timely staff input and review by ARC/DCA).

Sincerely,

A handwritten signature in black ink, appearing to read 'W F Ross', with a stylized, cursive script.

William F. Ross

If this proposal is acceptable to the City, please sign one copy and return it to us at the address below as our authorization to proceed.

Mayor, Peachtree City, GA

_____, 2008
Date

ATTEST:

Clerk to the City

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager *Benjamin M. Muller*
Financial Services Director *P.S.*

FROM: City Planner/ Zoning Administrator *David*

DATE: January 11, 2008

SUBJECT: Presentation of updated Zoning and land Use Maps
January 17, 2008 City Council Agenda

Recommendation:

No action is required. Staff will present the current Zoning and Land Use maps for review at the January 17, 2008 meeting. Staff will then bring recommended changes to these maps to Council for adoption at the February 7, 2008 meeting.

Discussion:

As a part of the update to the comprehensive plan, Staff embarked on a project to identify and confirm the zoning and land use designation for each tract of land within the city. We also created a database of these parcels which includes the name and square footage of each building and other pertinent information. All of this information was downloaded into the city's Geographic Information System (GIS) database and used to create the city's first parcel-based zoning and land use maps. The intent of this project was to determine a realistic summary of all land uses within the city as well as creating "official" zoning and land use maps.

The maps presented for review are based on current zoning and land uses. As the update to the comprehensive plan progresses, we have identified several tracts of land where either the zoning or land use designation should be changed to reflect existing or intended development. These recommendations will be presented at the February 7th meeting and approved changes incorporated into a revised zoning and land use map.

Once changes are approved, we will update all of the zoning and land use maps displayed at city hall as well as on our website. We will also make the updated maps available for purchase.

Budget impact:

There are no budget impacts associated with this request.