



CITY COUNCIL OF PEACHTREE CITY
REVISED AGENDA
JANUARY 7, 2021
6:30 p.m.

Peachtree City
Mayor & City Council
Vanessa Fleisch, Mayor
Phil Prebor – Post 1
Mike King – Post 2
Kevin Madden – Post 3
Terry Ernst – Post 4

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- I. Call to Order
 - II. Pledge of Allegiance
 - III. Election and Oath of Office of Mayor Pro-Tem
 - IV. Announcements, Awards, Special Recognition
G.F.O.A. Award Presented to Finance Director Paul Salvatore on Behalf of He and His Team
 - V. Public Comment
 - VI. Agenda Changes
 - VII. Minutes
December 3, 2020, Regular Meeting Minutes
 - VIII. Consent Agenda
 1. Resolution # 01072021-CA1 Indemnification of Public Officials
 2. Legal Organ – Fayette County News
 3. Resolution # 01072021-CA3 Call for Election
 4. Renewal of Insurance Brokerage Services
 5. Step 2 Annexation Application for 46 Acres on Redwine Road
 6. FY2021 Budget Amendment
 7. Storage Replacement for Backup Storage
 - IX. Old Agenda Items
 - X. New Agenda Items
 - 01-21-01 Changes to Stormwater Ordinance Section 1011 and Local Design Manual (Borkowski)
 - 01-21-02 2021 Paving Award (Rorie)
 - XI. Council/Staff Topics
 1. Traffic Calming Policy Update (Borkowski)
 2. Proclamations Policy Update (Rorie)
 - XII. Executive Session
 - XIII. Adjourn

**City Council of Peachtree City
Meeting Minutes
Thursday, December 3, 2020
6:30 p.m.**

The Mayor and Council of Peachtree City met in regular session on Thursday, December 3, 2020. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others present: Terry Ernst, Mike King, Kevin Madden, and Phil Prebor.

Announcements, Awards, Special Recognition

Fleisch presented team recognition awards to Kelly Bush of the Finance Department, and Ellece Brown and Areta Galloway of Human Resources in recognition of their response when a city employee became ill at work.

Fleisch also honored the Fire Department's Daniel Dekeyzer, Andrew Koehn, Josh Teal, and Adam Walker for their success in rescuing a cat trapped between floors of a home.

Public Comment

There was none.

Agenda Changes

There were no changes to the agenda.

Minutes

King moved to approve the November 5, 2020, regular meeting minutes. Ernst seconded. Motion carried unanimously.

Consent Agenda

- 1. FY2020 Budget Amendment**
- 2. FY2021 Budget Amendment**
- 3. Extension of Mechanical Services Agreement**
- 4. 2020 Walmart Local Community Grant**
- 5. Consider New Alcohol License - La Mexicana Taquiera Y Tienda, 332 Willowbend Rd**
- 6. Consider Appointment of Holly Cellini to the Convention and Visitors Bureau Board**
- 7. Consider Appointment of Airport Authority Member, Greg Garmon and Alternate, Gary Zarlengo**
- 8. Consider and Adopt Resolution of Support for Film and Television Tax Credit Program**
- 9. Consider Approval of Sewer Service to the Proposed Future Fayette County Animal Shelter**
- 10. Cancel December 17 City Council Meeting Due to Lack of Agenda Items**

King moved to approve Consent Agenda items 1-10. Prebor seconded. Motion carried unanimously.

New Agenda Items

12-20-01 Public Hearing - Front Setback Requirement for Lot 6 on MOBA Way

The Mayor opened the public hearing.

Planning and Development Director Robin Cailloux said this request was for one of the three undeveloped lots remaining in the MOBA Industrial Park. She showed the lots on a map, pointing out Lot 6 and noting that they would be developing Lot 7, as well, but a variance was not required for it. The property was zoned General Industrial (GI), which carried a 50-foot front setback requirement where parking was prohibited. Cailloux noted that MOBA Drive ran parallel to SR 74 and the lot was also bounded by two perpendicular roads, a continuation of MOBA Drive and MOBA Way, giving the lot three road frontages, all with the 50-foot setback.

The applicant was combining lots 6 and 7 and requested a variance to allow an encroachment into the setback along MOBA Way by 25 feet to accommodate parking. They would maintain the setbacks along SR 74 and MOBA Drive.

The zoning ordinance required examination of six criteria when considering a variance. The first asked if there were special conditions not applicable to other properties in the same zoning, and Cailloux stated that there were, citing the three street frontages. She noted there were just three other lots in the City with this configuration. Two of those lots had been developed. One was a 56-acre tract on Cooper Way, much larger than the six-acre lot they were looking at here. The other was IPN Scholle on Dividend at SR 74. It had this same condition. The remaining lot was Lot 8 on MOBA Way. Cailloux noted that the size of the setback, given the size of the lot, had a tremendous impact on the developable area, reducing it by 35% on the one lot, and by 28% when the two lots were combined.

They were proposing to erect two warehouse/office buildings on the site with a truck court in the middle, Cailloux went on. The truck court had to meet specific width requirements to allow for truck circulation. This scale of building was compatible with others in the industrial park. The third criterion asked about exceptional circumstances, and Cailloux again mentioned there were just three other lots with three road frontages. The fourth asked if granting this variance would constitute a special privilege, and Cailloux said, given the conditions, it would not.

The granting of the variance would not create hazards to the community's health, safety, or welfare. It did not conflict with the Comprehensive Plan, which encouraged quality industrial development.

The applicant, Chuck Ogletree of South-Tree Enterprises, pointed out that his firm had developed the two similar properties Cailloux had mentioned, one on Huddleston Road and the other for Osmose in the Industrial Park. Both were office and warehouse space and were 100% occupied at this time, proving a demand for this type of development. Ogletree said they liked the truck courtyard concept because it allowed for screening the trucks from the right-of-way and public areas as well as allowing everything to be condensed in one location. It was a good layout for this site because motorists heading south on SR 74 would be looking at the front of a building. The elevation on the north corner was a little lower than on SR 74. They intended to leave the existing vegetative buffer along the highway and would be planting all around the property.

This was a unique circumstance with the three frontages, Ogletree noted, reminding Council they approved a similar variance for his new office building at Prospect Park. He said that project turned out well, and he believed this one could be a similar asset to the community.

Fleisch asked if the elevation meant most of the site would be visible from SR 74? Ogletree said that was correct. The tenant they were talking with would probably need a structure from 24 to 26 feet in height.

No one from the public wished to speak in favor of the request. John Dufesne asked if they needed a variance for the buffer along SR 74 since 60 feet was required along a main thoroughfare, and this was shown as 50 feet on the plans?

A landscape buffer could be reduced to 40 feet, Cailloux responded, but with each 10 feet of reduction, an additional 10% in caliper inches of trees must be added to the site. That would be stipulated when the Planning Commission reviewed the conceptual site plan, not through the variance process.

No one else wished to speak, and the Mayor closed the public hearing.

Prebor said it looked as if the variance was needed and would work well. Ernst and King agreed.

Madden was concerned about the views from SR 74. Cailloux said there were some existing pines and hardwoods already in the landscape buffer along the highway. When the MOBA Industrial site was constructed, they did quite a bit of clearing and prepared the pads. All of the needed clearing in the landscape buffer had already been done. This site was in the architectural overlay district, so the building's exterior would have to meet requirements for masonry. All parking lots had to be screened from the public roadway with at least a 36-inch evergreen bush. Madden commented that it didn't look like the parking lot would be seen from SR 74.

Ogletree noted that right now there was a 50-foot buffer along SR 74 that was heavily vegetated and blocked the view of the truck courtyard area. The tree requirements were extensive for an industrial site due to the amount of impervious surface, and Ogletree mentioned that he generally paid into the Tree Bank because he couldn't get them all onsite. They could concentrate a lot of trees in the buffer if they needed to in order to block the view of the courtyard from the highway.

Madden asked about the area where the variance was requested, on the north side of the property, and Ogletree said there were no trees there. Cailloux said there were trees along MOBA Drive, but they were not mature size yet. Cailloux also indicated a parking lot across MOBA Drive, along with the soccer training field, and the stormwater system. Ogletree said there would never be any buildings there.

Cailloux told Madden that when Three Guys submitted the landscape plan for its new facility, the Planning Commission asked them to concentrate the required tree plantings in the buffer along SR 74. Ogletree added that they typically worked with Cailloux's office to place trees where they were most needed.

Ogletree always did good work, Madden remarked, but his concern was the view from the highway. He didn't want it to look like other cities where they did not care about appearance. He asked if it was required that those trees be planted to obscure the truck courtyard. Cailloux said it was not, but added that this Planning Commission had historically been stringent about it. Council could also add planting requirements as a condition of approval for the variance.

Ogletree affirmed that he would prefer to put the trees on the site, rather than pay into the Tree Bank, and Madden said he would like a recommendation that they plant as many trees as possible in the buffer. Cailloux said they could add it to the motion.

City Attorney Ted Meeker asked what Madden was going to add to the motion? Madden replied that he wanted to ensure that trees would be planted in the buffer. Cailloux said her understanding was that he wanted to enhance the buffer to screen the courtyard.

Then Madden said he had no problem with the variance, but he was concerned that the buffer should be 60 feet and they wanted to make it 25. Cailloux corrected him, saying the buffer would be reduced to 50 feet, which added an additional 10% in caliper inches of trees required. That was all in the ordinance.

Madden asked her to clarify the location of the area for the variance. Cailloux did and said there was no buffer required in that area.

Meeker pointed out that the applicant was not requesting anything to do with the buffer along SR 74 tonight. Ogletree was just requesting a setback variance to create a parking area, Cailloux agreed. It had no impact on the buffer, but that didn't mean Council couldn't add a condition that future trees be used to enhance the screening. Ogletree said they would be planting about 200 trees on

the site, if they could fit them all. They would plant what they could and pay into the Tree Bank for the others.

Meeker said he understood that the front buffer could only be reduced if there were additional plantings on-site. That was correct, Cailloux confirmed, and would be considered by the Planning Commission during the conceptual site plan review.

Fleisch asked if they needed to add to the motion since the Planning Commission would review the site plan? Fleisch said she believed Ogletree understood the need to screen the site from the highway, and Cailloux said she would communicate their concerns to the Planning Commission. Madden said he felt it would be unnecessary to include that in the motion.

Madden moved to approve New Agenda item 12-20-01, front setback requirement for Lot 6 on MOBA Way. King seconded. Motion carried unanimously.

12-20-02 Police Vehicle and Police Vehicle Accessories Purchase

Police Chief Janet Moon noted that in the 2021 budget they were authorized to purchase 12 vehicles in this budget cycle, but Angela Egan in the Purchasing Department found an F-150 that was on State contract bid that they were able to get. That was why the request was to purchase 11 vehicles, but purchase accessories for 12.

They sent bid packages to a number of Ford dealers, and received bids from Brannen and Allan Vigil in Morrow. Allan Vigil was the lowest bidder, with a price of \$407,682 for 11 Ford Interceptor Utility vehicles.

Bid packages were sent to a number of after-market installers and posted on the City website, and three bids were received, from Dana Safety, West Chatham, and Trans Comm. West Chatham was the low bid for the accessories for the F-150 Police Responder, with a bid of \$15,690.32. West Chatham was also the low bidder for the accessories for the 11 Ford Interceptor Utility vehicles, with a bid of \$171,137.56.

Madden asked Moon again to clarify the types of vehicles, and she told him there was one Ford F-150 and 11 Ford Interceptor Utility vehicles.

Ernst moved to approve New Agenda item 12-20-02 for purchase of 11 Ford Interceptor Utility vehicles at \$407,682 from Allan Vigil Ford and accessories for 11 Ford Interceptor Utility vehicles, at \$171,137.56, from West Chatham. Prebor seconded.

Madden pointed out that the motion omitted the amount for the accessories for the Ford F-150.

Prebor withdrew his second, and Ernst amended the motion to approve New Agenda item 12-20-02 for purchase of 11 Ford Interceptor Utility vehicles at \$407,682 from Allan Vigil Ford and accessories for 11 Ford Interceptor Utility vehicles at \$171,137.56, plus accessories for a Ford F-150 Police Responder for \$15,690.32, both from West Chatham. Prebor seconded. Motion carried unanimously.

12-20-03 FY2020 Unaudited - Year End Fiscal Update

City Manager Jon Rorie explained that he and Financial Services Director Paul Salvatore annually presented an unaudited update for the previous fiscal year. This one would be for fiscal year (FY) 2020, which ended September 30, 2020. He noted that this had been a "weird" year, but, according to Salvatore, it could still be said that the City was in the best financial position it had been in in more than 20 years. The strong financial position could be attributed to the Budget Policy, which stated that a baseline should be set and serve as an agreed upon point of departure for subsequent budget discussions. The policy went on to say that when there was a budget request for new

programming, they had to identify new or increased revenues or budget reductions to cover the additional ongoing expenditures. Rorie said they would show how that policy was used and adapted to make decisions during 2020.

The Budget Policy was first adopted in June, 2001, Rorie continued. When they adopted the FY 2021 budget, they recommended changing the fund balance, or cash reserve, percentage from 25% to 31%. This was based on recommendations from bond rating agencies and auditing agencies. They had modified the policy as of this date to reflect the change. Rorie also said it was worth noting that the Policy had several provisions, pertinent to 2020, to prevent overspending, such as allowing the City Manager to impound budgetary authority for spending in a situation where total revenues of a fund failed to keep pace with the estimated revenues that were budgeted or in other situations where the cost of a service or commodity was expected to be significantly less than the amount appropriated. Another provision said that one-time revenues should not be used for ongoing operating expenses such as additional personnel or new contracts for goods or services that would remain in effect after the one-time revenue source had been exhausted.

The fiscal year began on October 1 and ended on September 30, Rorie related, and he was obligated to provide a report on finances within 90 days of the end of the fiscal year. Finance staff was currently preparing for the 2020 audit, with the audited report due to the State in March. Tonight's report would use unaudited figures to review the fiscal year. Rorie said those numbers were favorable to those presented in the five-year financial report during FY 2020 budget discussions. They would also discuss budget rollovers and amendments, capital improvement plan (CIP) amendments, and debt service amendments.

The FY 2020 budget adopted by Council listed revenues at \$39,304,087, including a surplus carryover of \$490,179. Expenses were \$39,304,087. The budget was balanced by the use of the carryover cash reserves. Rorie displayed the budget model which showed the revenue sources totaling about \$38 million, plus the cash reserves. The projection at the time showed that at the conclusion of FY 2020, they would still be holding a 39% cash reserve. They had set a goal of maintaining \$1 million a year to spend over a five-year period or \$2.5 million over a two-year period in order to weather a recessionary cycle such as what occurred in 2020. This was what they had been preparing for, and it was what enabled him to state that the City was in the best financial situation that it had been in during Salvatore's tenure. Rorie also pointed out that the millage rate had gone down in the same time frame.

FY 2020 was defined by the impact of COVID-19, which included an economic shutdown. When this situation began, Rorie said he impounded budgetary authority from all department heads and told them they needed to look at how they would weather the storm based on rough estimates of declines in sales tax revenue, hotel/motel tax revenue, and, eventually, ad valorem tax revenue. They came up with mid-year budget amendments that lowered revenue projections by about \$2 million, or 5%, and lowered hotel/motel tax projections by 50%, or about \$850,000. Rorie said he asked each department for a budget reversion. He explained that department heads had always been instructed to operate their departments at 98% of their budgeted allocation. In FY 2020, they were asked to cut this by an additional 2% due to the potential revenue shortfalls. They reduced staff and cut hours for a savings of more than \$200,000. Most of the cuts were for part-time and/or seasonal workers. Approximately \$500,000 was saved through delaying programming and capital projects. They cut expenses by about \$900,000 through reasonable measures. In the end, the results of the shutdown were not as severe as anticipated.

He showed that the adopted FY 2020 General Fund budget had a revenue source of \$38,813,908. In May, staff revised the revenue projections to \$36,814,615 and also did corresponding expense reductions. At the end of the year, the unaudited figures for revenues totaled \$38,796,707, about a \$17,000 difference from what was originally budgeted. The City also received \$1,896,190 from the

Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act reimbursed the City for expenses related to COVID, such as disinfecting Council Chambers, but mostly for public safety salaries. That money was listed separately because a one-time source of revenue could not be converted to contractual obligations moving forward, as per budget policy.

The adopted budget showed expenses of \$32,746,004, but were cut to an estimated \$31,419,016 at mid-year. The reality was \$30,338,196, creating an over-budget position of \$2,407,808. Rorie said they should not look at this as expense savings, but as expense delays. The departments did not spend \$2,407,000, but another way of looking at it was to say that the departments did not accomplish their goals. This money was not savings, just delayed spending. For example, they delayed \$500,000 in CIP projects, including the construction of All Children's Playground.

Salvatore went over the revenue/expense recap, recalling they originally budgeted \$38.8 million in revenue and \$39.3 million in expenses, with the difference coming from the use of \$490,000 in reserves. As it turned out, there was about \$40.7 million on the revenue side, with the excess coming from the CARES Act funding, and expenses of about \$37 million. The fund balance increased by about \$3.6 million. The adopted budget had said the fund balance would decrease by about \$500,000, so in total, it rose to about \$4.1 million. Again, he pointed out that about \$1.9 million CARES Act money was a one-time anomaly. Delayed expenses, which were expenses budgeted for 2020 but that wouldn't hit until 2021, totaled about \$1.5 million. These adjustments brought the \$4.1 million increase down to about \$750,000 in actuality.

In June, Salvatore remarked, they thought they would use about \$2 million of the fund balance compared to the original \$490,000 in the adopted budget. However, as stated earlier, this didn't happen, and the fund balance actually increased to an advantage of \$4.1 million. They had anticipated a fund balance of about \$17 million at the end of FY 2020, but instead finished with \$21,265,352, a fund balance of about 55%. Salvatore stressed this was fund balance, not uncommitted available cash reserves. There were several commitments that would bring that number down. One was the \$1,058,000 Council appropriated to use in 2021 to balance the budget. Unfinished business from the previous fiscal year amounted to about \$857,000. Inventories and pre-pays, such as fuel in the tanks, were also in that category. A defined benefits pension pre-pay was also budgeted in the amendments. Minus these adjustments, the fund balance became \$17.9 million, or 47%, which was about \$900,000 more than the original budget.

The five-year financial model showed what Salvatore had just reviewed, but he said it would be updated in the spring with more accurate projections of where they would end FY 2021. He noted that the fund balance declined each year and that 2024 would be a big year with the retirement of the bond debt. Beyond this year, he said, everything was open for discussion, but they were still projecting a strong fund balance well above the 31% required by policy.

Rorie said he wanted to stress that even though the word "deficit" was used and was in red type, as were the figures, it did not mean the City was deficit spending, as some critics claimed. It meant they were using cash reserves. They had more than \$2 million in cash projects in the FY 2021 budget instead of debt projects. It made more sense to take money from the cash reserves, which was earning interest at 1%, than to borrow money and pay it back at 3%. Rorie explained that they had built the cash reserves to become a revenue source that earned income and funded projects.

The City's sound financial position, Rorie pronounced, was in part due to Council's adoption of millage rate stabilization, rather than having the millage rate fluctuate each year. The purpose of that was to plan for future purchases and plan for recessionary cycles. It was sensible to pave the roads in today's dollars rather than wait five years and pay more because the roads were in worse condition.

Rorie presented several budget amendments. He explained that one of the items they removed when they froze spending in the 2020 and did not include in the 2021 budget was the hiring of three full-time firefighters/medics. He recommended they add that to the 2021 budget, along with part-time assistance for the Human Resources and City Clerk departments. A generator for Station 81 was originally intended to be on a bond, but they decided to make it a cash purchase. Pre-payment for the pension plan would save them about \$100,000 a year, Rorie noted. Other amendments would fund the purchase of on-line building permit software, fingerprint scan machines, and information technology security updates. Another would fund code enforcement path patrols.

Other budget amendments would cover planning for expansion and buildout with projects including the Police Department expansion, Fire Stations 82 and 83, a city storage facility, McIntosh Place, and a General Obligation (GO) bond for recreational amenity upgrades. They were talking about 3,000 square feet of office additions to the Police Department and an additional 1,000 square feet for the evidence room, and the amendment would be for architectural and engineering work. The project would be funded partially through impact fees, with the remainder typically coming through a debt service tool. He asked Council to keep that in mind, along with the fire station expansions. The storage building would be located at Station 81. They would discuss these projects at future retreat sessions on the 2021 budget.

McIntosh Place currently housed the Convention and Visitors Bureau (CVB). The CVB moved there this year due to the reduction in the hotel/motel tax revenues. The basement of McIntosh Place was roughly 5,000 square feet. They had pre-planned for the buildout of the basement when McIntosh Place was constructed in 2014, mainly by adding an elevator shaft. They needed to begin thinking of how McIntosh Place could be used as a community meeting space, a veterans' center, or something similar.

There was a lot of discussion about which recreational amenity projects should go forward, Rorie continued. Priorities depended on what each person used or wanted. There had been discussion of artificial turf on a soccer field. They also had to decide if they would replace the bubble at the Kedron pool or build a permanent structure. This year, they had waited to put up the bubble because of COVID-19, but it would be going up the next week, Rorie remarked. He said he did not support replacing the bubble, but that was something Council would have to decide. To put artificial turf at just one soccer field would cost between \$850,000 and \$1 million every 10 to 15 years. But what about the costs to keep it fertilized and mowed? Baseball fields raised the same question. Rorie said this was the first time he had talked about a GO bond for recreational upgrades. They would have to fund these projects either through another long-term debt instrument that the voters would have to approve or as a potential Special Purpose Local Option Sales Tax (SPLOST) project, which also would let the voters decide.

They had done the correct things with millage rate stabilization, were in the best financial position of 20 years, and were looking towards budget retreats in March, April, and May of 2021 to discuss Local Option Sales Tax negotiations, potential SPLOST projects in 2024, and GO bonds for recreational amenities. All approaches allowed voters to decide what to fund. They were in this good position because of Council and staff actions and the support of the community.

Fleisch commended Rorie and staff and how they had worked to keep the City running smoothly despite the cutbacks. The only obvious impact had been progress on the Gateway Bridge, which halted briefly due to COVID. They saw the economic slowdown coming and made necessary adjustments, then monitored sales tax revenues closely.

Prebor asked how they arrived at 31% as the target for cash reserves?

Some cities, particularly coastal communities, had as much as 50% in reserves, Rorie noted, because they were reliant on tourism and that could be wiped out by a hurricane. Peachtree City did not need that level because the reserves were designed to help them weather a recessionary cycle. He said if they put the money in the bank, it would garner interest income, which would become a revenue source for further expenditures. The more in the bank, the more revenue. Every time you drew that down, you were hitting both sides. However, you also had to think about time value of money calculations. There was a time to spend and a time to save. Rather than set a target of 50%, it was important to have the 31% with a minimum over position of \$5 million.

Prebor asked what was required to get a bond? Rorie said 31%. Salvatore said the General Services Administration (GSA) required 30% for a AAA credit rated city.

Rorie noted they had been asked to show support for additional government funding, such as a CARES Act II, but he didn't think, after the sacrifices Peachtree City had made, it would be wise for them to support funding for communities that had not done the right things. He felt they had done proper planning over the years to get to the position they were in.

Council/Staff Topics

The Mayor noted this was the final meeting of the year and wished everyone a Merry Christmas and a Happy New Year.

There being no further business to discuss, Prebor moved to adjourn at 7:50 p.m. Ernst seconded. Motion carried unanimously.

Martha Barksdale, Recording Secretary

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Stacey Collins, Administrative Coordinator 

DATE: December 21, 2020

SUBJECT: Annual Indemnification Resolution
January 7, 2021 Consent Agenda

Recommendation:

That Council adopt the attached resolution indemnifying City elected and appointed officials (except officials of authorities) and employees.

Discussion:

Each year, Council adopts a resolution indemnifying officials and employees and agreeing to defend and pay judgments rendered against them for acts or omissions performed or neglected to be performed by them in the course of their employment or association with the City. This indemnification does not apply to individuals who act outside the scope of their duties or authority, or act oppressively, maliciously, corruptly, or without authority, nor does it apply to City authorities that function autonomously and have their own liability coverage.

Budget Impact:

Other than is outlined, legal representation for this type of claim is included under the umbrella of the City's Liability Insurance Policy.

Attachment

RESOLUTION # 01072021-CA1

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY
REGARDING POTENTIAL LIABILITY OF CITY ELECTED OFFICIALS,
APPOINTED OFFICIALS AND EMPLOYEES**

WHEREAS: The City of Peachtree City is a municipal corporation duly chartered and incorporated by the State of Georgia; and,

WHEREAS: As a result of certain decisions by State and Federal Courts, elected and appointed officials and employees of the City may be subject to suits seeking to hold these persons personally liable for damages; and,

WHEREAS: Elected and appointed officials, employees, and other individuals may be subject to formal complaints under the City Code of Ethics; and

WHEREAS: The City Council deems it to be in the best interest of the City to indemnify, defend, and protect City elected and appointed officials and employees from certain liability.

NOW, THEREFORE BE IT RESOLVED THAT:

The City of Peachtree City shall indemnify, defend and pay any and all judgments rendered against any City elected official or appointed official (with exception of officials of authorities) or employees for any and all suits brought against them for any acts or omissions performed or neglected to be performed by them in the course of their employment, or association with the City.

The City of Peachtree City shall provide legal counsel to any elected official, appointed official, employee, or other individual who is investigated under the City's Code of Ethics (with the exception of officials of authorities) for representation before the Hearing Officer, the investigation conducted by the Hearing Officer, and any action taken by Council. Such legal counsel shall be selected by the individual requesting representation and be reimbursed by the City at a rate not to exceed the approved hourly rate of the City Attorney plus 20%.

The indemnification shall not apply to those individuals who acted oppressively, maliciously, corruptly, or without authority of law as defined under O.C.G.A. §36-33-4.

The resolution shall remain in full force and effect until such time as it may be amended or repealed by a subsequent resolution of the City Council.

SO RESOLVED, in open session assembled pursuant to law, this 7th day of January, 2021.

Vanessa Fleisch, Mayor

Phillip E. Prebor, Councilman

Mike King, Councilman

Kevin Madden, Councilman

Terry Ernst, Councilman

ATTEST: _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Stacey Collins, Administrative Coordinator 

DATE: December 21, 2020

SUBJECT: Designation of City's Legal Organ
January 7, 2021 Consent Agenda

Recommendation:

That Council again designate the *Fayette County News* as the legal organ for the City of Peachtree City.

Discussion:

Each year, the City of Peachtree City must designate the official legal organ in which notices of public hearings, millage rate, and other notices required by state law and City Ordinance will run.

County legal organs are designated by the Probate Court Judge, Sheriff, and Superior Court Clerk, and the newspaper must have a paid circulation component. Although municipalities have more latitude in designating their legal organ, state law stipulates that certain municipal ads continue to run in the County legal organ. The designated Fayette County legal organ for 2021 will remain the *Fayette County News*.

As the long-time legal organ of both the County and Peachtree City, the *Fayette County News* is the publication that residents associate with legal ads, and in which many local ads would continue to run.

Staff is recommending that the City again designate the *Fayette County News* as the legal organ for 2021 to ensure correct placement of legal ads, to maintain the lowest possible expenses for the City, and to provide a single source for the community to access legal ads.

Budget Impact:

Because it is a continuation of an existing rate for budgeted expenditures, appointing the *Fayette County News* as the legal organ would have no budgetary impact.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Stacey Collins, Administrative Coordinator 

DATE: December 21, 2020

SUBJECT: 2021 Election Resolution
January 7, 2021 Consent Agenda

Recommendation:

That Council adopt the attached resolution calling for a municipal election on November 2, 2021, to elect a Mayor and Council Members for Post 3 and 4.

Discussion:

Peachtree City's Charter establishes the date of the municipal general elections as the Tuesday following the first Monday in November of odd numbered years, in accordance with state law, and establishes four-year terms for the Mayor and City Council Members. Terms for these seats end December 31, 2021.

The resolution also establishes the qualifying dates of August 16-20 and the run-off election date of November 30, also prescribed by the state.

Finally, the resolution designates the Fayette County Board of Elections as the Superintendent of the Election. A separate agreement with the County will be presented to Council later in the year for approval.

The State Election Code governing municipal elections requires that Council set and publish qualifying fees no later than February 1 of any year in which an election is to be held. The law also requires a fee of three percent of the total gross salary paid for the elected position in the year preceding the election.

Budget Impact:

Staff will include funding to cover the anticipated costs of the election and any necessary run-off in the FY2022 budget.

RESOLUTION # 01072021-CA3

**RESOLUTION ESTABLISHING DATE FOR CITY ELECTIONS FOR THE PURPOSE
OF ELECTING A MAYOR AND COUNCIL MEMBERS FOR POST 3 AND 4;
ESTABLISHING FEES AND DATE FOR QUALIFYING OF CANDIDATES;
ESTABLISHING DATES FOR VOTER REGISTRATION AND FOR OTHER
PURPOSES**

WHEREAS: A municipal general election shall be conducted on November 2, 2021, for the purpose of electing a Mayor and Council Members for Post 3 and 4; and,

WHEREAS: Candidates who are elected in said election shall serve for a term of four years; and,

WHEREAS: Persons eligible to become candidates for said election shall be at least 21 years of age and be a qualified elector of the City who shall have continuously resided and maintained his or her domicile in Peachtree City for at least six months immediately preceding the election; and

WHEREAS: Candidates for said election shall qualify with the City Clerk in City hall. Qualifying shall open at 8:30 a.m. on the 16th day of August, 2021, and close at 4:30 p.m. on the 20th day of August, 2021; and,

WHEREAS: Voter Registration for said election shall close at 5:00 p.m. on the 4th day of October, 2021; and,

WHEREAS: The date for a run-off election, if required, shall be the 30th day of November, 2021; and,

WHEREAS: The City Council does hereby declare that the qualifying fee for Mayor shall be \$648.00 and the qualifying fee for Council Post 3 and Council Post 4 shall be \$432.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of Peachtree City that the general election is hereby authorized pursuant to the rules and regulations set out in this Resolution and pursuant to the Georgia Municipal Code as amended.

FURTHER, the Superintendent of Elections and Absentee Ballot Clerk shall be the Fayette County Board of Elections, who is hereby authorized to provide an appropriate number of poll workers to conduct said election. Polling places within Peachtree City shall be open from 7:00 a.m. to 7:00 p.m. on the day of the general election and the day of the run-off election, if required, and advance voting shall be scheduled in accordance with the Georgia Municipal Election Code.

Adopted this 7th day of January, 2021

Vanessa Fleisch, Mayor

Phillip E. Prebor, Councilman

Mike King, Councilman

Kevin Madden, Councilman

Terry Ernst, Councilman

ATTEST: _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Ellece Brown, Director, HR & Risk Management 

DATE: November 24, 2020

SUBJECT: Renewal of Insurance Brokerage Services
January 7, 2021, *City Council Meeting*

Recommendation

That Council approve the Brokerage Service Agreement with McGriff, Seibels, & Williams of Georgia, Inc., for calendar year 2021 for the amount not to exceed \$47,500.

Discussion

McGriff, Seibels, & Williams of Georgia, Inc., has proven to be a tremendous asset to the City in monitoring and evaluating the various insurance and wellness benefits that we offer to our employees. The professional services that McGriff, Seibels, & Williams of Georgia, Inc., have offered to the City include:

- Thorough monthly analysis reports provided by McGriff enable staff to track our actual vs. budgeted expenses to consider mid-course corrections if appropriate.
- The semi-annual and annual plan reviews that McGriff presents to staff and the level of detail and expertise that they provide to discover behind-the-scenes strategies to assist in keeping the cost of health care and benefits at an affordable level in this economy are extremely comprehensive and full of insight.
- The annual negotiations with the insurance providers have resulted in below-market increases to the City.
- The information, knowledge, and expertise that the McGriff staff provides regarding changes to legislation that impact health care and benefits are very comprehensive and timely.
- The level of customer service that McGriff offers is outstanding, not only to HR and Financial Services staff, but also to employees directly when a claim has to be taken to their level for resolution. The McGriff staff is truly an advocate for the City of Peachtree City.
- The level of professionalism that the McGriff Graphics Department provides to us is exceptional.

Staff believes that McGriff is a proven partner in Peachtree City's professional services line-up. Therefore, staff is requesting that the previous agreement be extended for one (1) additional year. (See attached 2021 Brokerage Service Agreement.) The continuity provided by this extension during this challenging time of changing legislation will be very prudent. McGriff has agreed to lock in their annual fees at the same rate of \$47,500. FYI, McGriff has maintained their annual fees at the same rate since our partnership began with them in 2008. They have been a true partner with Peachtree City during the years.

Budget Impact

There will be no additional budget impact from this renewal.



Brokerage Service Agreement

THIS BROKERAGE SERVICE AGREEMENT (this "Agreement") is between **MCGRIFF, SEIBELS & WILLIAMS, INC.** ("MSW") and **THE CITY OF PEACHTREE CITY, GEORGIA** (the "Client").

The Client and MSW agree as follows:

1. Client appoints MSW as the Client's insurance broker of record in order to solicit, negotiate and service insurance policies for the Client for the coverages described on Exhibit A hereto (Insurance Placement). Client also desires for MSW to provide the employee benefits consulting services described on Exhibit B hereto (Employee Benefits Consulting Services). Both Exhibit A and B are attached to and made a part of this Agreement.
2. The Client will provide MSW with all information necessary to enable MSW to provide Insurance Placement and Employee Benefits Consulting Services.
3. MSW agrees to perform the services described in this Agreement in a professional and timely manner.
4. The parties agree and understand the Client is not under any legal or other obligation to purchase any insurance product through MSW in its capacity as either a producer or consultant, and that the purchase of any insurance product or employee benefits consulting services is purely voluntary by the Client.
5. Remuneration:
 - A. The Client will pay MSW a fee in the amount of \$47,500.00 (the "Fee") for Insurance Placement and Employee Benefits Consulting Services. The Fee may be refundable, in whole or in part, in accordance with Section 10 of this Agreement.
 - B. The Fee will be payable upon receipt of an invoice by the Client.
 - C. If MSW receives commission (including Tier II commissions) from one or more insurance companies and/or intermediaries for the placement of insurance policies for the coverages described on Exhibit A (a "Commission"), the Fee will be reduced by the amount of such Commission. Final adjustments to the Fee amount will be made by MSW after the determination and receipt by MSW of all Commissions, net of any adjustments pursuant to any audit, endorsement, accounting reconciliation or other applicable business process.

- D. The Client acknowledges that:
- i. receipt of such Commission constitutes remuneration of MSW for placement of the applicable insurance policies;
 - ii. the remaining Fee does not include remuneration of MSW for placement of the insurance policies for which MSW receives Commission; and
 - iii. the remaining Fee is separate from and in addition to any such Commission.
- E. With respect to Insurance Placements and/or Employee Benefits Consulting Services undertaken on behalf of the Client that are not contemplated by this Agreement, MSW may be compensated pursuant to a separate Broker Service Agreement or by the insurance companies and/or intermediaries utilized in such Insurance Placements. MSW will make information regarding such Agreements and compensation available to the Client upon request.
6. With respect to any insurance placement or employee benefits consulting services for which MSW's compensation is fee-based in whole or part, MSW will not execute or accept any monetary compensation pursuant to any (1) market service agreement, (2) placement service agreement, or (3) agreement providing for any bonus, override or contingency that would be received from any type of intermediary or insurance company. Further, MSW will instruct all insurance companies to exclude insurance policies from any contingency agreements, bonuses and overrides if MSW receives a fee for placement of such policies. This does not preclude MSW from accepting non-monetary awards, including trips and other prizes, which MSW believes are important for professional and business development.
 7. MSW reserves the right to engage its related affiliates and subsidiaries in connection with the execution of Brokerage Services Agreements. Use of these business partners and service providers could result in the accrual of additional income to MSW-related subsidiaries and affiliates.
 8. This Agreement and the respective rights and obligations of the parties hereto shall be construed in accordance with and governed by the laws of the state of Georgia.
 9. This Agreement commences on January 1, 2021 and ends on December 31, 2021. Either party may terminate this Agreement upon 30 days advance written notice to the other party.
 10. Unless otherwise prohibited by law or regulation, should this Agreement be terminated by the Client in accordance with Section 9, the Fee will be deemed earned as follows:
 - i. 50% of the Fee deemed earned as of the Commencement Date;
 - ii. 75% of the Fee deemed earned five months after the Commencement Date;
 - iii. 100% of the Fee deemed earned nine months or greater after the Commencement Date.

IN WITNESS WHEREOF, the Client and MSW have executed this Agreement.

MCGRIFF, SEIBELS & WILLIAMS, INC.
GEORGIA

CITY OF PEACHTREE CITY,

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Manager's Initial: _____

EXHIBIT A

The Client has requested Insurance Placement for the following lines of coverage.

Medical Coverage

Stop Loss Coverage

Pharmacy Benefit Management Coverage

Dental Coverage

Life Coverage

Accidental Death & Dismemberment Coverage

Short Term Disability Coverage

Long Term Disability Coverage

Vision Coverage

EXHIBIT B

MSW will provide the following Employee Benefits Consulting Services for the Client:

- A. Strategic Benefit Planning.** Provide assistance in developing overall plan benchmarks and targets to ensure that the plan meets the objectives of Client and its employees.
- B. Benefit Design.** Help to ensure that benefit designs are consistent with the strategic benchmarks and targets set forth in the strategic benefit planning process.
- C. Administration.** Identify core administrative services, assess vendor performance, and manage vendor relationships to provide appropriate program administration.
- D. Funding.** Provide counsel regarding program funding alternatives, including reviewing fee proposals and recommending budget rates, employee contribution rates, and COBRA rates.
- E. Vendor Selection.** Upon client request, MSW will prepare Request(s) for Proposal (RFP), analyze RFP's and prepare a summary report outlining responses. Vendors include, but are not limited to:
 - Voluntary Worksite Programs
 - Wellness and Disease Management Programs
 - Third Party Claims Administration
 - Utilization Review Programs
 - IRS Code Section 125 Programs
 - Preferred Provider Network Plans
 - Online Enrollment Services
 - Communication Services
 - Health Savings Account Services
- F. Communication.** Assist in drafting employee communications regarding benefit program performance and changes, and assist in the review of plan documents and insurance certificates during the planning and enrollment process.
- G. Compliance Tools & Legislative Information.** Provide informational materials on legislative developments impacting Employee Benefit Management plans, including access to online reference tools on topics such as FMLA, COBRA, HIPAA, HIPAA Privacy, the Affordable Care Act and Section 125.

H. Meetings with Client and Vendors. Services will include attendance at and facilitation of the following meetings with Client and vendors to facilitate program management including day-to-day operations and planning program changes:

- Meet with Client semi-annually, or upon Client's request, to discuss review of the program, state of the marketplace, progress made toward strategic plan, and developments within Client's organization.
- Meet with Client annually to review the stewardship report for the preceding year, create a stewardship report outlining the goals and objectives for the upcoming year, and agree upon MSW's fees for the next twelve month period.

I. Stewardship Report. Will develop and implement a detailed account stewardship plan, which should include, but not be limited to, the following:

- Specific quantifiable and measurable goals and objectives relating to Client's programs; and
- Detailed work plans which lay out the account management plan, work schedules, areas of concentration, timing, and information requirements.

J. Data Analysis. Provide Client with summary comparisons and work with Client and TPA to secure additional reports as needed for claims analysis.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie 
City Manager Digitally signed by Jonathan N. Rorie
Date: 2020.12.31
16:23:12 -0500

FROM: Robin Bechtel Cailloux, AICP 
Director Planning & Development

DATE: December 30, 2020

SUBJECT: Accept Step Two annexation application, about 46 acres on Redwine Road
January 7, 2021 City Council Meeting

Request:

Staff recommends that Council accept the Step-Two annexation application for the 46 acres on Redwine Road. Council's acceptance of the application allows staff to begin the review process and in no way implies approval of the annexation.

Overview:

Peachtree City has adopted a two-step annexation process. Step Two of the City's process begins the State-mandated annexation process outlined in the Georgia Annexation Law. The annexation statute includes a tightly regulated timeline of deadlines, all measured from when the application is officially accepted. Once an application has been accepted, and barring possible objection from the County, Council must hold a public hearing within 60 days.

Staff has reviewed the application and found that it meets the submittal requirements of the 100% methodology, as outlines in the Georgia Annexation Law.



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager *JN*

FROM: Paul J. Salvatore, Financial Services Director *PS*
Kelly Bush, Assistant Finance Director *KB*

DATE: December 21, 2020

SUBJECT: FY2021 Budget Amendment
January 7, 2021 *City Council Consent Agenda*

Recommendation:

That City Council approve the attached budget amendment for the donation and purchase of a memorial bench in Fund 200 – the Neighborhood Parks Fund.

Discussion:

Staff received a donation from Lisa and Michael Desmond for a memorial bench for placement at the Spillway. The donation is for \$1,882.50. The attached budget amendment accepts the donation and budgets for the expense to purchase and place the bench.

Budget Impact:

The proposed budget amendment will increase both revenue and expenditures in the Neighborhood Parks Fund.

Attachments
Budget Amendment

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 21-08

DATE 01/07/2021

[illegible]

NOW, THEREFORE, BE IT RESOLVED that this Council hereby amends the Fiscal Year 2021 Budget Resolution increasing both Revenue and Expense in the Neighborhood Park Fund \$1,882.50 for memorial bench.

Entered

Approved

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Paul J. Salvatore, Financial Services Director  P.S.
Angela Egan, Purchasing Agent 

DATE: December 29, 2020

SUBJECT: Storage Replacement for Backup Storage
January 7, 2021 City Council Consent Agenda

Recommendation:

That City Council award the purchase of storage replacement for backup storage to CPAK Technologies as the lowest quoted price.

Discussion:

This approved capital equipment project was budgeted in the CIP fund during the FY2021 budget process. Staff received four (4) quotes from qualified suppliers with CPAK being the lowest. The quotes are as follows:

CPAK	\$ 98,884.70
Exagrid	\$112,309.00
ReluTech	\$118,760.00
CDWG	\$193,944.91

Budget Impact:

Funds are budgeted in the CIP Fund 337.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager 

FROM: David A. Borkowski, P.E., City Engineer 

DATE: January 4, 2021

SUBJECT: Stormwater Ordinance 1011 and Local Design Manual Revisions
January 7, 2021, City Council Meeting

Recommendation:

That Council approve the attached ordinance revisions to *Section 1011-Stormwater management for new development and redevelopment* of Article 10 of the Land Development Ordinance, and the revision to the Local Design Manual page 6.

Discussion:

Under the provisions of the Federal Clean Water Act, and the Georgia Water Quality Control act, Peachtree City is designated as the owner of a Small Municipal Separate Storm Sewer System. Because of this designation, one of the many things the City is required to do is to adopt stormwater ordinances that are as least restrictive as the State's model ordinances.

As of this year, City's are being required to make developers install stormwater best management practices (BMPs) that infiltrate the first 1.0 inch of rainfall into the ground rather than storing the water and slowly releasing over time.

There are situations where this can be problematic for some sites. The ordinance has allowances for conditions where this infiltration requirement can be waived. Examples of this would be where the soils are not able to infiltrate the runoff at a proper rate, or where groundwater levels would prohibit the infiltration. There is specific guidance in the Georgia Stormwater Management manual on these conditions so the City would not be making arbitrary decisions.

Budget Impact:

There are no budget impacts associated with this agenda item.

Attachments

Stormwater Ordinance
Local Design Manual Page 6

Sec. 1011. - Stormwater management for new development and redevelopment.

(a) *General provisions.*

(1) *Purpose and intent.* The purpose of this section is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

- a. Establish decisionmaking processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
- b. Require that new development and redevelopment maintain the predevelopment hydrologic response in their postdevelopment state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- c. Establish minimum postdevelopment stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- d. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- e. Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
- f. Establish provisions for the longterm responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- g. Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

(2) *Applicability.*

- a. This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (a)(2)b. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - i. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;
 - ii. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
 - iii. Any new development or redevelopment, regardless of size, that is considered to be a hotspot land use, or has a standard industrial classification (SIC) code that falls under the NPDES industrial stormwater permit program; or
 - iv. Land development activities that are smaller than the minimum applicability criteria set forth in subsection (a)(2)a. if such activities are part of a larger common plan of

development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

- b. The following activities are exempt from this ordinance:
- i. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - ii. Additions or modifications to existing single family or duplex residential structures;
 - iii. Agricultural or silvicultural land management activities within areas zoned for these activities; and
 - iv. Repairs to any stormwater management facility or practice deemed necessary by the city engineer.
- (3) *Designation of ordinance administrator.* The city engineer or designee is hereby appointed to administer and implement the provisions of this ordinance.
- (4) *Compatibility with other regulations.* This ordinance is not intended to modify or repeal any other ordinance, rule, regulation 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 imposes higher protective standards for human health or the environment shall control.
- (5) *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.
- (6) *Stormwater Design Manual.* The city will utilize the policy, criteria and information including technical specifications and standards in the 2016 edition of the Georgia Stormwater Management Manual and any relevant local addenda, including the Local Design Manual, for the proper implementation of the requirements of this ordinance. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.
- (7) *Definitions.*

Applicant means a person submitting a post-development stormwater management application and plan for approval.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Conservation easement means an agreement between a land owner and the city or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Dam means an embankment used for the storage of water. Usually used as part or in conjunction with a detention facility.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention facility means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land development activities.

Development means a land development or land development project.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Greenspace or *open space* means permanently protected areas of the site that are preserved in a natural state.

Hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. These areas produce higher concentrations of trace metals, hydrocarbons or other priority pollutants than are normally found in urban stormwater runoff. Examples include, but are not limited to, gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, and garbage transfer facilities.

Hydrologic soil group (HSG) means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial stormwater permit means a national pollutant discharge elimination system (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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

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

Land development project means a discrete land development undertaking.

New development means a land development activity on a previously undeveloped site.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Offsite facility means a stormwater management facility located outside the boundaries of the site.

Onsite facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

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 to the applicant which is required for undertaking any land development activity.

Person means, except to the extent exempted from this ordinance, 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.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Project means a land development project.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or regional facility means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff means stormwater runoff.

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

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

Stormwater management system means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the flow of surface water resulting from precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

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.

(b) *Permit procedures and requirements.*

- (1) *Permit application requirements.* No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to the city a permit application on a form provided by the city for that purpose.

Unless otherwise exempted by this ordinance, the following items shall accompany a permit application in order to be considered:

- a. Stormwater concept plan and consultation meeting certification in accordance with subsection (b)(2);
 - b. Stormwater management plan in accordance with subsection (b)(3);
 - c. Inspection and maintenance agreement in accordance with subsection (b)(4) below, if applicable;
 - d. Permit application and plan review fees in accordance with subsection (b)(6) below.
- (2) *Stormwater concept plan and consultation meeting.* Before any stormwater management permit application is submitted, it is recommended that the land owner or developer shall meet with the city for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information shall be included in the concept plan which shall be submitted in advance of the meeting:

- a. *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- b. *Natural resources inventory.* A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- c. *Stormwater management system concept plan.* A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

Local watershed plans, the city greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

- (3) *Stormwater management plan requirements.* The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in subsection (c).

This plan shall be in accordance with the criteria established in this section and be prepared under the direct supervisory control of either a registered professional engineer or a registered landscape architect licensed in the state. Subsection (b)(3)c. through subsection (b)(3)g. shall be prepared under the direct supervisory control of a registered professional engineer, who shall seal and sign the work. Portions of the overall plan may be prepared and stamped by a registered land surveyor licensed in the state of Georgia as appropriate, such as boundary surveys, contour maps, erosion and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this ordinance are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the stormwater management site plan checklist found in the stormwater design manual, and the engineering department's plan review checklists. This includes:

- a. *Common address and legal description of site.*
- b. *Vicinity map.*
- c. *Existing conditions hydrologic analysis.* The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:
 - i. A topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; and direction of flow and exits from the site.
 - ii. Analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
 - iii. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.
- d. *Predeveloped condition for redevelopment.* For all redevelopment applications, existing site conditions may be used for analysis purposes, unless downstream conditions warrant a more conservative approach as determined by the city engineer.
- e. *Post-development hydrologic analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:
 - i. A topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in subsection (c); location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

- ii. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in subsection (c) must be met for the stormwater runoff from the entire site.
- f. *Stormwater management system.* The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include:
 - i. A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;
 - ii. A narrative describing how the selected structural stormwater controls will be appropriate and effective;
 - iii. Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;
 - iv. A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
 - v. Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in subsection (c);
 - vi. Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- g. *Post-development downstream analysis.* A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall do the following:
 - i. Address each and every point or area along the project site's boundaries at which runoff will exit the property.
 - ii. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area.
 - iii. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes.
 - iv. The analysis shall be in accordance with the Stormwater Design Manual.
- h. *Construction-phase erosion and sedimentation control plan.* An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- i. *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. This plan must fall within the standards outlined in the Stormwater Design Manual. The landscaping plan must also include:

- i. The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings;
 - ii. Descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and
 - iii. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
 - j. *Operations and maintenance plan.* Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
 - k. *Maintenance access easements.* The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.
 - l. *Inspection and maintenance agreements.* Unless an on-site stormwater management facility or practice is dedicated to and accepted by the city as provided in subsection (b)(4), the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with subsection (b)(4).
 - m. *Evidence of acquisition of applicable local and non-local permits.* The applicant shall certify and provide documentation to the city that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (4) *Stormwater management inspection and maintenance agreements.* Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the city requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the city prior to issuance of a certificate of occupancy or final plat approval, and recorded in the deed records.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, the city will also enforce all of the provisions for ongoing inspection and maintenance in subsection (f).

(5) *Application procedure.*

- a. Applications for land development permits shall be filed with the city.
- b. Permit applications shall include the items set forth in subsection (b) (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included) and follow the procedures outlined in articles IV, V and VI, as appropriate.
- c. The city shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved within the time limits established in Articles IV, V and VI, as appropriate.
- d. If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the city shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subsection (b)(5)c. and this subparagraph shall apply to such resubmittal.
- e. Upon a finding by the city that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the city may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- f. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 1. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 2. The land development project shall be conducted only within the area specified in the approved plan;
 3. The city shall be allowed to conduct periodic inspections of the project;
 4. No changes may be made to an approved plan without review and written approval by the city; and
 5. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by subsection (e).

(6) *Modifications for offsite facilities.* The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an offsite or regional facility. The offsite or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by onsite practices and there must be a legally obligated entity responsible for longterm operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the offsite facility. Proper drainage and/or flood easements must also be dedicated between the site and the off-site facility.

A stormwater management plan must be submitted to the city which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the city that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- a. Increased threat of flood damage to public health, life, and property;
- b. Deterioration of existing culverts, bridges, dams, and other structures;
- c. Accelerated stream bank or streambed erosion or siltation;
- d. Degradation of in-stream biological functions or habitat; or
- e. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(c) *Post-development stormwater management performance criteria.* The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

(1) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- a. It is sized to ~~treat the prescribed water quality treatment volume~~ retain the first 1.0 inch of rainfall from the site to the maximum extent practicable, as defined in the Stormwater Design Manual. The designer shall refer to the Local Design Manual for additional clarifications on feasibility;
- b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Stormwater Design Manual; and
- c. Runoff from hotspot land uses and activities identified by the city are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

(2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- b. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
- c. Erosion prevention measures such as energy dissipation and velocity control.

The city engineer may grant an exemption to stream channel exemption using the criteria outlined in the Stormwater Management Manual.

(3) *Overbank flooding protection.* Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25- and 100-year, 24-hour return frequency storm events.

(4) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

(5) *Structural stormwater controls.* All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Stormwater Design Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Stormwater Design Manual, or for

which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the city before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the city may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Stormwater Design Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

- (6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (c)(1). The applicant may, if approved by the city, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Stormwater Design Manual.
- (7) *Drainage system guidelines.* Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:
 - a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
 - b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
 - c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.
- (8) *Dam design guidelines.* Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
- (d) *Reserved.*
- (e) *Construction inspections of post-development stormwater management system.*
 - (1) *Inspections to ensure plan compliance during construction.* Periodic inspections of the stormwater management system construction shall be conducted by the staff of the city or conducted and certified by a registered professional engineer licensed by the state. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

- a. The date and location of the inspection;
- b. Whether construction is in compliance with the approved stormwater management plan;
- c. Variations from the approved construction specifications; and
- d. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

- (2) *Final inspection and as built plans.* Upon completion of a project, and before a certificate of occupancy is issued, or final plat approved, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans and hydrology studies for any stormwater management facilities, practices, and site improvements after final construction is completed. The plans and hydrology study must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. The specific requirements for certification, and submitting the "as built" plans and hydrology studies (digital and paper copies) are kept on file in the office of the city engineer.

A final inspection and approval by the city is required before the release of any performance securities can occur.

(f) *Ongoing inspection and maintenance of stormwater facilities and practices.*

- (1) *Long-term maintenance inspection of stormwater facilities and practices.* Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the city shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city may correct the violation as provided in subsection (f)(4).

Inspection programs by the city may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

- (2) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the city to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.
- (3) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the city.
- (4) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The city may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property.

- (g) *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.
- (1) *Notice of violation.* If the 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 therefore, 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:
- a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. 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;
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 - f. A court date if a citation/notice of violation is issued.
- (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. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties:
- a. *Stop work order.* The 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.
 - b. *Withhold certificate of occupancy.* The 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.
 - c. *Suspension, revocation or modification of permit.* The city 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 may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - d. *Penalties.* The city may issue a citation to the applicant or other responsible person for violations of this ordinance, requiring such person to appear in city municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a

fine not to exceed \$1,000.00 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.

(Ord. No. 902, § 1, 6-6-2007; Ord. No. 1099, § 1, 12-3-2015; Ord. No. 1118, § 1, 12-1-2016; Ord. No. 1156, § 1, 11-15-2018)

Editor's note— Ord. No. 902, § 1, adopted June 6, 2007, repealed and reenacted § 1011 in its entirety to read as herein set out. Formerly, § 1011 pertained to post-construction stormwater runoff management, and derived from Ord. No. 876, adopted March 16, 2006.

CITY OF PEACHTREE CITY

LOCAL DESIGN MANUAL | 2016 EDITION

2.1.4. Water Quality Standards

Stormwater management systems shall be designed to retain or treat the runoff from 85% of the storms that occur in an average year, and reduce average annual post-development total suspended solids loadings by 80%. Averaged from rainfall events across the state of Georgia, this equates to treating storm events of 1.2 inches or less, as well as the first 1.2 inches of runoff for all larger storm events.

The City Engineer will waive the water quality treatment requirement if 100% of the 1.0 inch runoff reduction volume (RRv) is achieved. If the entire 1.0-inch runoff reduction standard cannot be achieved, the remaining runoff from the 1.2-inch rainfall event must be treated by BMPs to remove at least 80% of the calculated average annual post-development TSS loading from the site. Infeasibility of implementing the RRv will be determined by the City Engineer by looking at groundwater table and infiltration rates.

This standard is quantified and expressed in terms of engineering design criteria through specification of the water quality volume (WQv), which is equal to the runoff generated on a site from 1.2 inches of rainfall. The WQV must be treated to the 80% TSS removal performance goal.

This standard assumes that BMPs will be designed, constructed and maintained according to the criteria in the GSMM. Stormwater discharges from land uses or activities with higher or special potential pollutant loadings may require the use of specific structural practices and pollution prevention practices. A detailed overview of BMPs is provided in Chapter 4 of the GSMM.

For further discussion on this standard, see Section 2.2.4.1 of the GSMM.

The City encourages the designer to implement specific stormwater credits for reducing the water quality treatment requirements on site. These credits can be found in Section 2.3.3 of the GSMM. However, the City recognizes that water quality treatment of stormwater runoff from certain areas of a site is not feasible. As such, the following areas are exempt from water quality treatment.

- Impervious surfaces associated with the driveway located within the City's existing right-of-way assuming that runoff from the driveway drains away from the site and into the right-of-way
- Portions of the site which will remain undisturbed and which does not drain to a water quality or detention facility / BMP. These undisturbed areas must contain at least 10,000 square feet of contiguous area. Additionally, these areas must not be used for any purposes during construction and must be protected from such activities by construction fencing or other means to prevent construction personnel ingress.

Additional water quality requirements will be required for hotspot land uses and activities regulated by the National Pollutant Discharge Elimination System (NPDES) Industrial General Stormwater Permit.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager *JNR*
Paul Salvatore, Financial Services Director *P.S.*
Kelly Bush, Assistant Financial Services Director *KB*
Angela Egan, Purchasing Agent *ae*

FROM: Jonathan Miller, El Civil Engineer *JM*

DATE: December 31, 2020

SUBJECT: 2021 Paving Bid Award
January 7, 2021 City Council Meeting

Recommendation:

Staff recommends that City Council award the 2021 paving bid to Atlanta Paving and Concrete in the amount of **\$5,297,890.50**.

Discussion:

Staff solicited bids from several paving companies. Bids were opened on December 16, 2020 and are as follows:

ATL PAVING & CONC	\$5,297,890.50
BLOUNT	\$5,663,863.91
CW MATTHEWS	\$6,165,545.59

Staff has reviewed the references and bid documents provided by Atlanta Paving and Concrete and finds them acceptable.

Budget Impact:

There are sufficient funds available in the SPLOST Program (Account 321-4220-541400-SP17-001) and CIP for Paving (Account 335-4100-522270) for this Project.



CITY OPERATING POLICIES AND PROCEDURES

Policy/Procedure 10-01: Commission/Authority Selection

OPR: Engineering

I. Purpose

The purpose of this regulation is to establish standard procedures for the implementation of the City's response to the traffic complaints arising as a result of perceived speeding and/or high traffic volumes within City owned right-of-way

II. Policy

It is the policy of the City of Peachtree City The City is committed to the safety of its citizens and realizes the potential need for additional traffic calming measures on City streets. The City intends to outline a fair and equitable procedure for the study, installation, and funding for traffic calming measures.

A) Public Complaints

Should a resident, residential community, neighborhood group, or Home Owners Association (HOA) have concerns with traffic in their area, a written request for an evaluation must be filed with the City Engineer. All requests should include the area of concern and complaint type (speed, volume). If an active HOA exists, then the request must come from the HOA.

The person or group requesting the evaluation will be referred to as the Requestor.

B) Review of Complaints

Review of complaints will proceed in the following manner

Table 1: Review and Action Procedure	
Action	
1. City Engineer receives written request and implements traffic study	
2. Review data to determine if non-physical deterrents are warranted	
3. Implement Non-Physical Deterrent(s)	
4. Collect post installation traffic data and review for improvement	
5. If no improvement, City Engineer determines Study Area* and recommends physical deterrents	
6. Requestor to petition Study Area to attain 2/3 support for measure	
7. Recommendations will be presented by City Engineer for the Requestor, Police, Fire, and City Council approval	
8. Construction of temporary physical deterrents	
9. Follow up monitoring	
10. Construction of permanent physical deterrents or re-evaluation and placement of different type	

* Study Area: The road network surrounding the road(s) being considered for traffic calming measures that would be affected by the placement of the measures.

C) Warrants for Action

Table 2: Warrants for Action			
Warrant	Community Collectors	Village Collectors	Residential Streets/Neighborhood Collectors
1. Minimum Traffic Volume	>8000 vpd or 800 vph	>4000 vpd or 400 vph	>1000 vpd or 100 vph
2. Cut thru traffic	50%	40%	25%
3. 85 th percentile Speed	≥7mph over speed limit	5-7 mph > speed limit	3-5 mph > speed limit
4. Community support*	67 %	67%	67%
5. Accidents per year	6	6	3
6. Percent ADT **Exceeding posted Speed limit	30%	30%	25%

* A community petition stating a concern with the traffic in the Study Area.

** ADT is Average Daily Traffic

Non-Physical Deterrents

Should any of the warrants in Table 2 apply, any of the following non-physical solutions can be implemented with the concurrence of the City Engineer and the Police Chief.

Non-physical deterrents do not involve the use of physical controls (speed humps, roundabouts) or impediments on the roadway system. They are comprised of actions and programs, which are primarily educational, and enforcement based.

Uniform Residential Speed

One Tool is for all residential streets to have a uniform speed limit not to exceed 25 mph.

Designated Residential Zone

The *Official Code of Georgia, Section 40-14-8 (b)* provides that the limitations in subsection (a) [no {radar speed detection} case can be made unless the speed of the vehicle exceeds the posted speed limit by more than ten miles per hour] shall not apply in properly marked residential zones. Roads with speed limits of 35 miles per hour or more shall not be considered residential streets.

Therefore, a Non-Physical Deterrent is to have a residential street be designated and properly marked as a residential zone so that the 25-mph speed limit is enforceable. This tool, if adopted by the City Council and approved by the Georgia Department of Transportation, would be part of the Police Department Traffic Enforcement strategies.

Neighborhood Traffic Safety Program (Education)

This is a program comprised of neighborhood meetings, letters, pamphlets, etc., alerting residents within a neighborhood to speeding and other traffic/pedestrian safety concerns. The City Engineer, with the cooperation of the Police Chief, would conduct this program for any neighborhood association or other residential group requesting it. This neighborhood awareness program would hopefully, result in neighbors more closely obeying existing traffic laws and in improved safety for all roadway users.

Traffic Signing and Pavement Markings

This includes signs for residential zone designation, speed limits, no thru traffic and other necessary information needed for motorists under the Traffic Calming Program.

Stop Signs

Data provided by the Institute for Transportation Engineers (ITE), shows that stop signs are not effective in controlling speed or volume and have a high violation potential. Therefore, the City of Peachtree City will not use these as means of traffic calming.

No Right/Left Turn Signs

The ITE shows that no turn signs can be effective in controlling traffic volume. It also does not impede emergency response vehicles. The down side of this control is that it has a potential to be violated.

No-Truck Enforcement

In general, trucks are allowed on residential streets unless otherwise posted. If truck traffic is shown to be a problem, the Police Chief will request Council approval for the street to be designated as "No through truck traffic" The Public Works Department will make certain that the proper signing is in place to enforce the No-Truck ordinance.

Traffic Enforcement Actions

This is a traditional enforcement activity on the part of the City Police Department's traffic enforcement officers. The City Engineer will provide the Police Department data from the traffic study as to the severity of violation and the time of day when most violations occur.

Radar Speed Trailer Deployment

When appropriate, the City Engineer will contact the Police Chief requesting deployment of its radar speed trailer to educate motorists regarding the fact that they may be significantly exceeding the posted speed limit. The trailer deployment also can result in allowing concerned neighbors to see that actual speeds may not be as high as what had been perceived.

Landscaping

This is a method by which the land adjacent to the curb is landscaped so as to give the appearance of a narrower corridor. This appearance would cause a motorist to slow down. With the assistance of the City's arborist or landscape architect, a landscaping plan will be developed for the desired effect.

Physical Deterrents

If following a four-month trial of a Non-Physical Deterrent traffic data does not improve, then a physical deterrent will be considered.

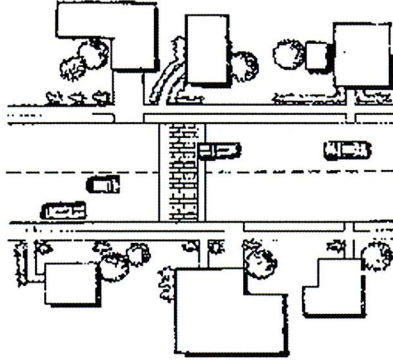
The City Engineer will review the data and determine if/which one, or combination of the following deterrents would aid in the reduction of traffic concerns. The City Engineer will make a recommendation to the Requestor and follow the Implementation Procedure at the end of this Physical Deterrents section.

Speed Humps

A speed hump is a raised portion of pavement designed to reduce speed. Speed humps will be used only for speed limits 30-mph or less. Also, all of the following must apply.

- Streets must be classified as Residential or Neighborhood Collectors and must not be a higher classification.
- Travel width must be less than 28 feet and have no more than two travel lanes

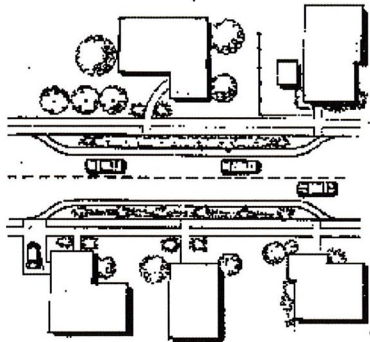
- Horizontal curves must have a 300 foot radius or greater
- Vertical curves must support adequate stopping sight distance
- Grade must be less than or equal to 8%
 - Must be placed between 200 feet and 600 feet apart
- The Requestor must pay 100% of the cost of materials and installation.
- Speed studies must show that the 85th percentile speed for the proposed street is greater than 10 mph over the posted speed limit



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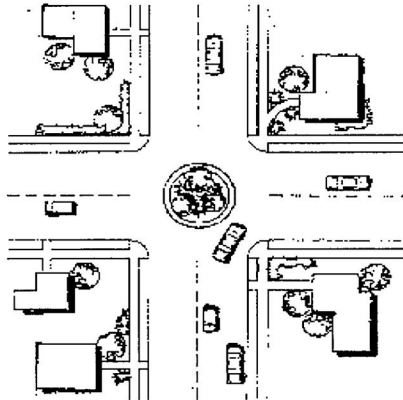
Chokers

The ITE shows that chokers are not very effective at reducing traffic and only have a minor impact on speed. Also, this method provides a minor constraint to emergency vehicles.



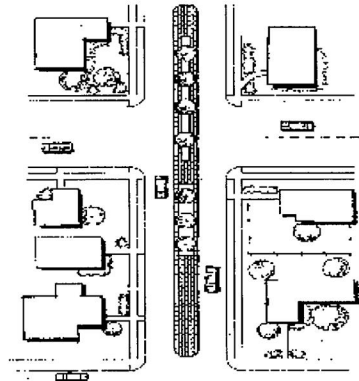
Traffic Circles

Although traffic circles can cause minor constraints to emergency response vehicles, they can effectively reduce both speed and volume of traffic flow.



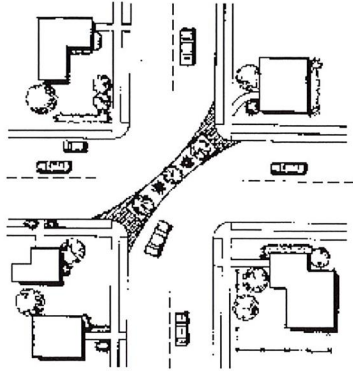
Median Barrier

Median barriers are effective at reducing volume, but unlikely to reduce speeding. Also, they are a minor constraint to emergency vehicles.



Forced Direction Diverters

Forced direction diverters include forced turns, semi-diverters, diagonal diverters and cul-de-sacs. These force the flow of traffic to take a desired route. These methods are very effective at controlling volume and potentially speed. They do however impose some constraints to emergency response vehicles.



III. Implementation Procedure

If all warrants in this ordinance have been met, coordination and approval must be met as follows:

- Police Chief and Fire Chief must approve, indicating minimal impediments to emergency routes
- 67% (2/3) of the residents in the Study Area must support the installation of the devices
- The Requestor must agree to **pay 100%** of the cost of materials and installation
- The City Engineer must have factual data supporting the proposed control
- The City Manager must concur with the recommendation
- The City Council must approve the recommendation
- Upon approval, placement of temporary physical deterrents will be placed and the results will be evaluated. If the temporary devices perform as expected, permanent deterrents will be constructed. If the devices do not perform as expected alternative devices may be considered.

IV. Approvals

City Clerk

Date

City Manager

Date

Mayor

Date



CITY OPERATING POLICIES

Policy 1-04: Proclamations, Letters of Appreciation and Support OPR: Human Resources

I. Purpose

The purpose of this policy is to address procedures and guidelines for presenting proclamations, letters of appreciations and support and other forms of recognition issued by the City of Peachtree City in a particular event, program, cause or recognition of an individual, school or business.

II. Criteria

The City will consider a request for a proclamation, letter of appreciation or support from any group or individual, as long as the request has some type of local appeal, and positive impact on the community. Examples include, but are not limited to: recognizing local businesses, groups, schools or churches if they are celebrating a major milestone or accomplishment; personal milestones; sports teams victories at state level or higher; and citizens that have brought national or international acclaim to Peachtree City.

III. Process

Requests shall be filed with the City Clerk and the Mayor shall issue the proclamation or letter if deemed appropriate.

IV. Recognition

If representatives are attending a City Council Meeting to receive the proclamation or letter, the Mayor will read it and present it during the Special Recognition section on the Agenda. If there is a request for the Mayor or mayor Pro Tem to attend a function and issue a proclamation this can be done when schedules permit.

I. Approvals

Director, HR & Risk Management

Date

City Manager

Date

Mayor

Date