



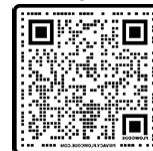
# CITY COUNCIL

Kim Learnard, Mayor

Clinton Holland, Mayor Pro Tem | Laura Johnson, Post 1

Suzanne Brown, Post 2 | Vacant, Post 4

SCAN FOR AGENDA  
PACKET



## Special Called Meeting Agenda

December 11, 2025 | 9:30 AM

City Hall

1. **Call to Order**
2. **Pledge of Allegiance and Moment of Silence**
3. **Announcements, Awards, Special Recognition**
4. **Public Comment**
5. **Agenda Changes**
6. **Minutes**
  - A. November 20, 2025 City Council Meeting Minutes
  - B. November 20, 2025 Executive Session Minutes
  - C. December 1, 2025 Special Called Meeting Minutes
7. **Consent Agenda**
  - A. Storm Water Maintenance Agreement - 215 Northlake Dr.
  - B. New Alcohol License - Bicicletta, 1263 N. Peachtree Parkway
  - C. Donation from Bike-Walk Fayette
8. **Old Agenda Items**
  - A. 11-25-05 Alcohol Ordinance Amendment and Fee Schedule Update (Yasmin Julio)
  - B. 11-25-08 FY26 Budget Amendment- Sprung Structure for Kedron Aquatic Center (Chris Hobby)
9. **New Agenda Items**
  - A. 12-25-01 Extension of Mechanical Services Agreement (David Borkowski)
  - B. 12-25-02 FY26- CVB Budget Amendment- Vehicles (Tyler Runyon)
  - C. 12-25-03 Part-Time Occupant Protection Specialist - Police Department (Teaa Allston-Bing, Matt Myers)
  - D. 12-25-04 Consider termination of easement reserved by former Development Authority on NCR property (Ted Meeker)
  - E. 12-25-05 Burn Ordinance Amendment (Suzanne Brown)
10. **Public Hearings**

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

This meeting will be held in the Frances Meaders Council Chambers at City Hall. Page 1 of 86

- 11. Council/Staff Topics**
- 12. Executive Session**
- 13. Adjourn**

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**City Council of Peachtree City**  
**Meeting Minutes**  
**Thursday, November 20, 2025**  
**6:30 PM**

**Call to Order**

The Mayor and Council of Peachtree City met in regular session on Thursday, November 20, 2025. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Council members attending: Laura Johnson, Suzanne Brown, and Clinton Holland.

**Pledge of Allegiance and Moment of Silence**

**Announcements, Awards, Special Recognition**

None

**Public Comment**

Brown moved to expand the time limit to allow three minutes for each speaker. Holland seconded. Motion carried unanimously.

Blake Hayes, a member of the Transportation Advisory Group (TAG), spoke on the micromobility legislation that Council was being asked to support. He noted the legislation proposed a change in width to the carts that were allowed on paths, but it would not apply to carts authorized by a local authority prior to January 1, 2012, which would be the case in Peachtree City. He remarked that the City already had the authority to establish speed limits on the paths but were limited to 25 mph, like they were on the roads. The bill did not mention insurance, and Hayes thought the City should push for insurance to be required. He concluded by saying that even if the General Assembly passed this bill, it would all come down to enforcement.

Jim Forestal said reckless drivers had made the cart paths dangerous, and he supported legislation that might make them safer. He also mentioned more police presence was needed.

Bill Macke, owner of an e-bike store, said he only sold e-bikes that met the standards stated in the shared-use path rules. They had a limit of 20 mph with electric pedal assist or throttle use and a maximum of a 750 watt electric motor. He said he regularly saw young teens driving bikes with more powerful motors that could go up to 60 mph. When those high-speed bikes met up with a golf cart going 25 mph, it could be disastrous, he remarked, and urged Council to support this proposed legislation as a way to manage speeds and prevent injuries.

Claudia Eisenburg also said the speeding e-bikes on the paths made her afraid as a walker. Other jurisdictions had plans to connect their paths to Peachtree City's, so there was a need to address this issue, now, she stated.

Lisa Macke remarked that State laws had not kept pace with new electric devices and vehicles. Local shops sold vehicles that complied with Georgia Code, but online sellers did not. These businesses could be used to inspect devices before they could be used

on the paths. She also asked Council to pass a resolution to support updates to Georgia Code to enhance safety measures.

Cary Cook also supported more regulations on the paths, asking Council to back the micromobility legislation. He also thought all cart drivers should have to watch a training video on cart safety. Cook said he did not support expanding the paths to other areas outside of the city because more carts on the paths would increase maintenance costs.

Bicycle advocate Keith Larson requested that the Council pass a resolution of support for the Micromobility Traffic Safety Act, which he drafted and is being submitted to the 2026 session of the Georgia legislature. He said there were many newer types of personal electric vehicles that were not defined and had no safety equipment requirements. This bill would modernize the code and give Peachtree City the authority to establish a 20 mph speed limit.

Diana Callen said she had believed the Planterra gate from Kelly Drive was closed only during rush hours, but she found it closed on a recent weekend morning. Planterra should either declare itself a gated community and take on responsibility for maintaining its roads or open the gates to allow Peachtree City residents to pass through, since City taxes paid for road maintenance. Callen also urged Council to support the micromobility resolution, saying regulations were needed.

Bob Callen wondered how it was legal for Council to sell a portion of a City road in Planterra. He said he had used that road in the past and seldom saw more than one or two cars. If they blocked the entry, the Planterra residents should be responsible for maintenance. He also agreed that something needed to be done to regulate speeds from e-vehicles on the paths. He mentioned McIntosh students were using dirt bikes, and he feared there would be an accident.

Christine Lewis thanked Council for re-opening the gate to carts at Crabapple Lane. Danielle Kononen also expressed appreciation for the access and said she hoped Council would vote to keep the gate open.

Joan Brennan, however, wanted the gate closed permanently, noting that Tyrone had been given an opportunity to come up with a plan to build a path along Dogwood Trail and had not. She mentioned future development in Tyrone that would increase cart traffic and noted that City ordinance and the Comprehensive Plan prohibited routing traffic through neighborhoods.

TAG Chairman Paul Schultz told Council that Peachtree City's government did not want volunteers and referred the public to the September 18 Council meeting for details. Schultz said the micromobility bill resolution on the agenda was acceptable, but why was it so urgent that it could not be reviewed by the TAG. That sent the message that Council wanted resident input only when it was convenient.

Schultz also recounted that when terms were expiring for some TAG members, an interview committee met according to City ordinance. When those nominations came before Council, some Council members who were not part of the interview process disagreed because the committee did not re-appoint the transportation expert. Rather than asking questions in private, it was taken as a fact in public that the interview committee made a bad decision, Schultz stated. He regarded this as a significant affront to the appointees, as well.

He mentioned that he took time off from his job to participate in the interview process, only to be told that his efforts did not matter. Other volunteers had their politics questioned, Schultz went on, and he said Council was sending the message that volunteers should not bother because they would be subjected to capricious and arbitrary decisions and partisan hackery.

Rosemary Tennant said Peachtree City was known as a golf cart paradise and needed to uphold that reputation by keeping the paths in good repair. Safety was also a concern, she said, mentioning teenagers with electric vehicles, and urged Council to pass the resolution to support the micromobility legislation.

Fozia Khan Eskew said she thought young drivers should have to earn their privilege to drive golf carts. She also mentioned that safety rules would support higher property values.

Evan Huelfer thanked Council for opening up the gate on Crabapple Lane. He said the previous Council had been bullied to close it with emotion and rumor, and he thanked this Council for gathering data in order to make a decision.

### **Agenda Changes**

None

### **Minutes**

Holland moved to approve the October 16, 2025 City Council meeting minutes and the November 6, 2025 City Council work session minutes. Brown seconded. Motion carried unanimously.

#### **A. October 16, 2025 City Council Meeting Minutes**

**APPROVED 4-0**

#### **B. November 6, 2025 City Council Work Session Minutes**

**APPROVED 4-0**

### **Consent Agenda**

Holland moved to approve Consent Agenda items A-F. Johnson seconded. Motion carried unanimously.

#### **A. PAC Baseball Safety Netting Project**

**APPROVED 4-0**

#### **B. FY26 Budget Amendment and Acceptance of Donation for Employee Holiday**

**Luncheon**  
**APPROVED 4-0**

**C. FY25 Budget Amendment — Housekeeping**  
**APPROVED 4-0**

**D. FY26 Budget Amendment - Carry Forward**  
**APPROVED 4-0**

**E. Public Works CAT 953D Track Loader Repair**  
**APPROVED 4-0**

**F. 2026 Capital Improvement Vehicle & Equipment Purchases**  
**APPROVED 4-0**

### **Old Agenda Items**

**A. 12-24-02 Crabapple Gate Counts**

City Manager Justin Strickland presented the same information that he had at the previous meeting and explained that cameras had been placed at three entry points to the path network to monitor cart traffic for eight months. Crabapple averaged 162 carts per week; Ashcot had 283, which was 69% more volume than Crabapple, and The Preserve averaged 358, or 121% more than Crabapple.

The Mayor said the motion would be to open the Crabapple gate to golf cart traffic indefinitely, and Brown made that motion, with Holland seconding.

This was a tough vote, Holland said, because it was in his neighborhood, but he wanted to be a good citizen of Fayette County. He mentioned many carts that passed by his house did not have registration decals from Peachtree City and hoped the Tryone residents present would get the word out that it was required. He also said he hoped in the future Tyrone and the County could construct a path on World Drive.

They had the right to readdress the issue when further housing was built in this area, Brown remarked, asking that traffic be monitored on a semi-annual data. She said she was surprised to see more people coming into Peachtree City from the south side than the north.

Johnson thanked the police and staff for their work in getting the traffic counts. She said she visited the area in question to see if additional residential development would pose a problem and did not see anything new. She agreed with Brown that they needed to keep an eye on it and was glad they had these baseline figures.

Motion carried unanimously.

### **New Agenda Items**

**A. 11-25-03 FY26 Budget Amendment- Drake Pavilion Permanent Repair**

City Engineer Dave Borkowski said he was asking Council to award a contract for the Drake Field Pavilion repair and to approve a budget amendment. The pavilion had a lot of wood rot in the structural beams and had undergone temporary repairs to enable it to be used during the summer and fall.

The permanent repair was bid out, with four responses ranging from \$84,500 to \$270,000. They interviewed the two lowest bidders, asking specific questions to ensure the firms understood the scope of the work. After those interviews, Borkowski said they decided to recommend Willow Dell, the second lowest bidder, because they seemed to have a better understanding of the project. For instance, Willow Dell agreed to sand all the existing wood down to bare wood, per the specifications, and were also upfront about repairing any damage to the landscaping at Drake Field. The other contractor said this would require change orders at additional costs.

He explained that Willow Dell's proposed procedure of lifting the entire roof structure and sliding the beams in place was more sound than the other firm's, which called for cutting some of the existing timbers and structural plates, requiring a certified welder, which was not in the low bidder's price.

Willow Dell's cost was \$119,405, which would require a budget amendment because it was an unexpected emergency repair.

Brown commented that Drake Field was a symbol of the lakefront, and this was the second major repair on the pavilion due to the initial use of substandard materials. She felt staff had done a good job of vetting these firms and hoped this work would be long-lasting.

Johnson thanked Borkowski for providing so many details on the decision-making process.

Was there anything that would not be covered by Willow Dell? Holland asked. Borkowski replied there was nothing he knew of. He said the pavilion had been thoroughly inspected, and it was hard to hide defects because it was an open structure.

Holland moved to approve awarding a construction project for the repair of the Drake Field Pavilion to Willow Dell, LLC with a budget amendment in the amount of \$119,405. Brown seconded. Motion carried unanimously.

**B. 11-25-04 New Alcohol License -The Cottages at Laurelbrooke, 4000 Hayes Square**

City Clerk Yasmin Julio said Joshua Thompson was the licensee and the license representative, and he and the location met all City requirements.

Brown moved to approve New Agenda item 11-25-04, new alcohol license--The Cottages at Laurelbrooke, 4000 Hayes Square. Johnson seconded. Motion carried unanimously.

**C. 11-25-05 Alcohol Ordinance Amendment and Fee Schedule Update**

At the last work session, the owner of a new restaurant had asked Council to consider amending the alcohol ordinance to allow the restaurant to sell unopened bottles of wine to patrons who wished to take home a wine they enjoyed with their meal. Also, The Avenue, which currently had a qualifying location permit that allowed people to walk around with open containers during special events, had sent an email asking that open containers be allowed year-round.

Council had expressed an interest in modernizing the ordinance. These requests were for things already allowed by the State, and Julio explained that the changes would support local businesses and commercial centers. There would be clear guidelines for controlled alcohol usage and to maintain strong public responsibility and safety. She explained again that open containers were already allowed in Peachtree City for special events with a permit.

Julio outlined the proposed changes for wine sales. Currently, a business owner could get an alcohol license for consumption either on premises or off-site. They could not obtain both. The ordinance was updated a few years ago to allow for a restaurant to re-cork an already opened bottle of wine. Now, The Wine Bar wanted the ordinance changed to allow them to sell unopened bottles.

The second proposed change was for a plaza or shopping center to allow year-round open containers with certain requirements. Julio said not every shopping center would qualify—they must have at least three locations that sold alcohol and have a pedestrian-friendly area suitable for gatherings and entertainment. She emphasized that every applicant must be approved by City Council, and staff and the City Manager would review the boundaries before the request came to Council.

Only non-glass containers would be permitted, and containers must show the establishment or district name/logo. Security, lighting, restrooms, and waste control were mandated. Licenses would have to be renewed every year, and the district operator would be responsible for management and compliance. Signage would be required to notify patrons when they were leaving the boundaries of the entertainment district.

A fee of \$500 for the entertainment district was proposed to cover additional costs to the City. A qualifying location permit would no longer be required, but it would still exist for other locations that needed it for special events. The change to allow off-premise wine sales carried no additional fees, but Julio said they would keep an eye on it to see if additional costs were incurred to the City.

Kelly Lawrence, The Avenue's marketing manager, remarked that many people saw The Avenue as the central gathering spot for the community. She said there might be concerns about safety, but she assured Council that management and the tenants had a good relationship with the police and would be happy to work with them if this was passed. Open containers were already allowed for special events, and Lawrence said there had been no major issues. She also thanked the City for helping manage the grand opening of Trader Joe's.

Julio added that, according to process, the Police Department, the Solicitor, Code Enforcement, and the City Attorney had reviewed the ordinance. Currently, The Avenue was the only shopping center that met the requirements, but the Willow District might after its renovation was complete.

Brown said she would like to wait until the next meeting to take action in order to give citizens a chance for input. Johnson said she saw no harm in a delay.

What would be the boundaries? Holland asked. Julio said the district would submit a proposal with their application, and staff would review it. The boundaries would have to be on their property.

Holland said he had no problem with the sale of unopened bottles of wine but thought they should table the entertainment district portion for further review. The Mayor pointed out that the two parts were intertwined, but there was no problem with delaying the vote.

Holland moved to continue this item until the December 11 Council meeting. Brown seconded. Motion carried unanimously.

**D. 11-25-06 Resolution Micromobility and Legislation**

Learnard told Holland she was aware he had a presentation for this, but with the revision he had made, she already knew she was fine with it. Johnson and Brown both said they were in favor, as did Holland.

Holland moved to approve New Agenda item 11-25-06 Resolution Micromobility and Legislation. Johnson seconded.

As they had heard during the public comments that night, safety was the most important thing, Holland said. He acknowledged the bill would be changed in the legislature, but said something needed to be done.

Motion carried unanimously.

**E. 11-25-07 American Legion Facility Use Agreement**

At the previous work session, Holland had mentioned that he would like to see the City eliminate the lease and utility payments charged to the American Legion Post 50 for the use of the box office at The Fred for meetings. Strickland said State law

allowed them to do so, and he presented a revised agreement with the post that eliminated those charges. Strickland said a Council member had asked if doing this would open them up to similar requests from other non-profits, and he explained that the State limited it to veterans' groups and their auxiliaries.

Holland moved to approve New Agenda item 11-25-07, American Legion Facility Use Agreement. Brown seconded. Motion carried unanimously.

**F. 11-25-08 FY26 Budget Amendment- Sprung Structure for Kedron Aquatic Center**

Assistant City Manager Chris Hobby reminded Council of their discussion at previous meetings and said he would forward links to a video that showed how a Sprung Structure was erected and insulated, along with another link featuring a Sprung Structure at a private facility in Chamblee. He showed photos of a new facility in Jefferson that was twice the size of what Peachtree City's would be but without the garage doors on the side that Peachtree City wanted.

Jefferson's Sprung Structure cost \$1.2 million, while Peachtree City's would be around \$800,000. This did not include the renovation work, which included new pipes and re-tiling the pools. Once the scope of the work became apparent, staff reached out to WM2A Architects to help develop a scope of work for the design, Hobby explained. The cost for that design work would be \$247,500, and the estimated total cost for the entire project was \$4.5 million. Hobby said it should be budgeted for around \$5 million to allow for overages. Tonight the ask was for \$247,500 for design work. When the design was complete, it would come before Council to vote on how to proceed.

Learnard mentioned the possibility of Council visiting Jefferson and Chamblee to see these structures with Sprung representatives. Learnard acknowledged time was of the essence but asked if it would be harmful to delay a vote until the December 11 Council meeting after they had seen the other structures? Hobby said that should not be a problem.

Johnson asked again about costs, and Hobby affirmed that the \$800,000 was just for the structure. Other needed work included replacement of the grade beam, piping upgrades, and pool re-tiling. Strickland noted that HVAC would be an additional cost. Did they have an itemized list of costs? Johnson asked, but Hobby replied that would be part of the design package, and Council could choose what items they wanted to include.

In response to a question from Brown, Hobby said the design work would probably be complete around April. The time to do the work was another four to six months. Holland asked if next September would be a fair estimate for completion, and Hobby agreed. The facilities would probably be shut down for the summer. Recreation Director Harold Layton said it would take 17 to 24 days to erect the structure; it was the other work that would take the majority of the time.

Holland asked about the wind tolerance, and Hobby said a similar structure in Jamaica had withstood a recent hurricane. They were told the structure would stand up to 165 mph winds, Layton added.

Learnard asked for a motion to table this until the December 11 meeting. Brown made the motion, with Johnson seconding. Motion carried unanimously.

## **Public Hearings**

### **A. 11-25-08 Administrative Variance Appeal for 104 Lanyard Bend**

Julio stated that on October 13, an Administrative Variance Committee comprised of Holland, Strickland, and Planning and Development Director Shayla Reed reviewed an administrative variance request for the property located at 104 Lanyard Bend. There were two setback variance requests; one was for the existing home to encroach five feet into the 30-foot rear setback, and that was approved. The other was for an additional 7.5-foot encroachment for a noncompliant deck, which was denied. The applicant was appealing that denial and was present to state his case.

Applicant Glenn Thompson said he had lived in Peachtree City since 1975 and had owned and renovated several homes. He wanted to downsize and purchased this house from a friend's parents. It needed major renovations. A porch on the rear of the house was in the setback. It was built in the 1980s and included a sunroom with a flat roof. He intended to add a pitched roof, but the City issued a stop-work order. Thompson said he wanted to keep within the existing footprint, just bring it into code.

Although his original intent was to live in the house, Thompson said he now planned to sell it. He wanted to rebuild the room on the back porch to make this a four-bedroom, three-bath house, but said if he did not get this variance, it would not be worth his time. He understood he could add a second story but that would not be cost-effective and would make his house tower over his back neighbor's. Thompson said he just wanted to rebuild the sunroom with a pitched roof, thereby improving the house and the neighborhood.

The Mayor opened the public hearing. No one wished to speak in favor of the administrative variance appeal.

Cecilia Uceda, the neighbor to the rear of this property, spoke in opposition. She refuted Thompson's claim that this deck was grandfathered, saying a structure could only be grandfathered if it was legally built. This deck was built without a permit, so it was never legal. Uceda said she reported it two years ago, and the City labeled it "pre-existing and non-conforming" and said it must be brought into compliance before any work would be allowed. The applicant had an opportunity to inspect the property before purchase, she remarked, noting that the deck had violated the setback since 2002. She said Thompson had done work outside his

roof permit, including removing the chimney.

Thomson did not live in the house, Uceda continued and intended only to fix and sell. She said the lots were small in this neighborhood so the setbacks protected space and property values. Granting a variance for an illegal encroachment of this size would set a harmful precedent, said Uceda. She reminded Council that this was a request for a 12.5 foot encroachment that was 53 feet long and said she and her neighbors had a petition asking Council to deny this variance.

Another neighbor, Kim Miller, also spoke of the small lots and close proximity of the houses.

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

Brown commented that the Zillow listing of this house made it clear that it was being sold as is, although buyers were welcome to get an inspection. Thompson said he did an inspection himself before purchase and knew the house would have to be gutted. However, he was not aware of the issues with the rear setback. He questioned why nothing had been said in the 20 or 30 years the porch had been there.

At the time this house was built, many current codes and regulations did not exist, Brown remarked, and that was probably the case for this deck. She said grandfathering was not the correct term; the setback encroachments were pre-existing conditions. Thompson said no one had mentioned any issues with this prior to the sale, but Brown pointed out that several complaints were on file when he bought the property, and Code Enforcement had been involved.

She asked Thompson what work he had done to the house before he was halted. He said he had taken off the flat roof over the porch and removed the fireplace and chimney.

Learnard asked how this was different from another variance request they had granted for a stairway off a deck that stayed within the same footprint? Brown remarked that the neighbors had no objection to that request, but multiple people opposed this. Learnard said one of the neighbors said the deck had violated the setback for more than 20 years, but Brown pointed out that until someone came to the Building Department for a permit, they might not know they were encroaching. She acknowledged that the illnesses of the former owners made this a difficult case.

City Attorney Ted Meeker also said in the case the Mayor referenced, there was evidence that it was a previously legal non-conforming use. In this case, the deck had never been a legal use. It had been added well after the standards were put into place. The other cases they reviewed had additions done before the standards were adopted.

Learnard asked if this is what drove the committee's decision to unanimously deny? Strickland first said you could see the deck on the aerial maps as far as the early 2000s, then added that he was not comfortable approving this large of an encroachment.

Holland had questions about the names and addresses on the petition submitted by neighbors, but Thompson explained the differing owners as the property having been sold. The former owners were okay with the variance; the new owners were not.

The deck had been there at least 25 years with no objections, Holland stated, and he was inclined to approve this. Learnard asked if they had standing to approve this, and Meeker said they did if they could prove the deck was existing. Learnard noted that they knew the deck was there in a 2001-02 timeframe. Meeker said that would be sufficient but pointed out that it was the applicant's burden to provide proof. He did not know if the information Strickland had discovered was available to the Administrative Variance Committee. Holland said it was not.

Learnard told Thompson this was a difficult decision. Council wanted people to be able to improve their homes, and this was on an existing footprint.

Brown noted that you did not hear about these violations until someone sold their property or needed a permit. However, the adjacent neighbors had reported this a couple of years ago. Uceda had complained to Code Enforcement about the deck, and Code Enforcement would have taken more action if the homeowner had not been in a memory care facility. There was a notation in the packet that Code Enforcement said this information would be conveyed when the property sold. Thompson told Learnard he purchased the property in February 2025.

Brown stated that her concern was this was a detriment to the public, and that was a reason to deny a variance. There were a lot of small and oddly shaped lots in Peachtree City, but approving one variance did not mean they all should be approved. In this case, she continued, there had been opposition to this deck since before Thompson bought the house.

Johnson said that was a significant point and asked Thompson if he was aware of these setback issues when he bought the house. Thompson said he only knew the house had been neglected for many years, and the owners wanted it sold quickly. Johnson asked if he was a licensed inspector, and he said he was not, but was experienced in construction. He did not have a survey done, but had one done since and had also hired a contractor to draw plans for the room.

This was difficult, Johnson stated. The other cases they had heard did not have neighbors in opposition. Those applicants had attempted to do things correctly, and she said she did not see that here. She saw a homeowner who did something they

were not supposed to do; they did not get caught, so it had been there a long time.

It was hard to justify an encroachment so far into the setback, especially when it backed up to a neighbor who had complained about it prior to the property being sold. Johnson told Thompson he had the burden to prove that this denial would pose a hardship to him. He had the opportunity for due diligence, and he did not take it, she remarked. Johnson said she respected their ordinances and also the variance process. Variances were often granted, but she could not justify approving this.

Holland recalled that Uceda had mentioned that the deck overlooked her yard, and she did not like that. He wondered if they could approve this with the condition that Thompson erect a six-foot privacy fence across the back? Thompson said he intended to replace a fence that had been torn down. He also mentioned that Uceda had trimmed some huge bushes on the other side that opened up views to her property. Holland said he would not get into that, but thought Council might want to consider requiring a fence.

Brown said the fence ordinance allowed people to apply for a variance for a taller fence, and maybe that was an option.

Holland moved to approve this variance with the recommendation that the applicant put in a privacy fence along the back. He asked Brown what height fence she recommended, and she said they could not require him to build a fence. Holland added to his motion that the fence should be an appropriate height. He rephrased the motion to say he moved to approve this variance with the recommendation of putting in a privacy fence in the back of the property at a minimum of six feet. Brown seconded for the sake of a vote, she said.

Johnson asked if Thompson could appeal if Council denied this, and Meeker said he could appeal to Superior Court or come back to Council and ask again after six months.

Holland said poet Robert Frost was right when he said "good fences make good neighbors." Thompson had offered to put up a fence, which Holland thought was a conciliatory gesture. People should be allowed to improve their properties. He said this was an example of how neighbors could get along.

If Council approved the encroachment, could Thompson build more than the deck, Brown asked, and Meeker said he could only replace the deck. Brown asked about the porch structure. Meeker said he could replace the roof. He could not encroach any more than what was allowed. Brown asked if he could build a structure within the allowed encroachment the entire length of the house, and Meeker said he could unless Council limited the encroachment to the existing dimensions. That is what they did on the other deck variance they approved, but Brown said the deck on that one was in good repair; it was just the stairs that were in question.

Johnson asked Uceda how long she had lived in her house. She said they had been there since 2011. She did not know about the encroachment until she got a survey. Uceda also said Thompson wanted to create a bedroom and a bathroom in place of the porch. She added that he was not her neighbor. He was someone who bought that house with the intention of flipping it. All of the neighbors opposed it. She again emphasized the size of the encroachment, saying he should respect the setbacks, and adding that a second floor was an option.

Johnson asked about the bathroom. Thompson said the bathroom would be inside the house. He would be building a new roof so the room could be a workroom or a bedroom.

Brown rescinded her second. No one else seconded. The motion died on the floor.

Brown moved they deny this appeal. Johnson remarked that this was a difficult decision. Thompson said he was trying to make this house better. People needed to be able to update their houses, and he wanted to be able to sell and get his money back. Learnard noted that five neighbors had come forward to oppose this, which was unusual, and she could not support it. Johnson seconded Brown's motion. Holland pointed out that this was an existing non-conforming use, and they had approved one of those in the recent past.

Motion to deny carried 3-1, with Brown, Johnson, and Learnard in favor, and Holland voting against.

### **Council/Staff Topics**

#### **A. Top Ten 2025 Community Impact Award Recipient— PTC101**

Strickland announced that the Peachtree City had been a national finalist in the 2025 CivicPlus Community Impact Awards for its PTC 101 program. Strickland said PTC 101 was an effort of Julio's, and Learnard said not only did Julio apply for this award but put the class together.

#### **B. Fire Tower Project**

Holland wanted Council to discuss using money from the reserve fund for a fire training tower and said he would put that on a future agenda. Fire Chief Clint Murphy said this tower was a long-time need. Holland remarked that Council had always claimed supporting Fire and EMS as a priority, and this was an example. The tower would cost about \$353,000.

Learnard pointed out that this tower had originally been in the budget. She suggested a conversation about using the reserves after the new member was sworn in, putting it on the list to discuss when setting priorities at the Council retreat in February.

Holland said he thought it was important enough to start discussion on this in January. Learnard said the City Manager would start working on the budget after the retreat, and Strickland pointed out that the use of the reserves would require a budget amendment and could be done immediately; it could be on the December 11 agenda for a vote. Holland said he saw no need to delay this, and Learnard told him that was her opinion when it was removed from the budget.

There were a lot of budget issues they needed to discuss, Brown said, mentioning the Sprung Structure at Kedron. Delaying a few more months would not strip them of their ISO rating. Johnson said she was okay with having this discussion.

Holland said he hoped to put this on the January 5 agenda after the new member joined.

**C. 250th Anniversary of the United States**

The 250<sup>th</sup> anniversary of the United States was next year, and Holland said he hoped the Recreation Department was planning a celebration. Layton said they had discussed a few options. The Sons and Daughters of the American Revolution had offered to help, Holland said, but the planning would have to come from the City. Strickland said they would be discussing it. Holland thought the Liberty Tree at Drake Field should have a commemorative plaque.

**D. Alcohol Licenses**

Brown asked if it would be possible to change the meeting agenda so that alcohol license applications were near the beginning. Julio said they could put them on the Consent Agenda but putting them under the New Agenda gave the applicant an opportunity to speak if they wished. Could they create a new category so the applicants did not have to sit through a lot of presentations and other agenda items? Brown asked.

Julio suggested they just add it to the Consent Agenda, and she could notify the Mayor if the applicant was present. They could pull it off Consent if there was something that needed to be addressed. Meeker pointed out that Council could delegate it to the City Manager and let him approve the licenses if they met the qualifications. Learnard said she liked seeing who was getting a license and learning about new businesses. Brown suggested they move this to the top of the list under New Agenda items.

**E. Revisit Burn Ordinance**

Brown said she wanted to readdress the burn ordinance as it applied to larger properties. She would try to get it on the next agenda.

**F. Youth Advisory Council**

Johnson said she had not planned to bring this up right now, but she felt compelled to after some things she had heard at this meeting. A young man had approached

her a few months ago about forming a youth council, and she had talked with Julio about it. This past week she visited McIntosh High and talked with the students, asking them how they felt they were viewed by the community. She reminded Council of how people talked about teens on the paths and said the McIntosh students echoed those comments, saying people thought they were loud, annoying, and posed a hazard. She then asked what the City could do for them and said the teens were full of ideas and enthusiasm for contributing to the community.

She referred to the comments made to Council about the micromobility bill and said only one time were the teens referred to as polite. Johnson said Peachtree City had some great teens, and they should bring them in and make them a part of the community. She proposed forming an advisory council for teens and hoped Council could discuss it later. Learnard told Johnson she would be the perfect liaison to that group, and Johnson said she loved teenagers.

### **Executive Session**

Holland moved to adjourn to executive session at 9 p.m. to discuss personnel matters, the lease, sale, or purchase of property, and pending or threatened litigation. Brown seconded. Motion carried unanimously.

Holland moved to reconvene in regular session at 9:19 p.m. Johnson seconded. Motion carried unanimously.

### **Adjourn**

Holland made a motion to deny the Anti Litem claim made by Sean Smith. Brown seconded. Motion carried unanimously.

There being no further business, Brown moved to adjourn the meeting. Holland seconded. Motion carried unanimously.

The meeting adjourned at 9:19 p.m.

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Martha Barksdale, Recording Secretary

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Kim Learnard, Mayor

**City Council of Peachtree City**  
**Meeting Minutes**  
**Monday, December 1, 2025**  
**9:00 AM**

**Call to Order**

The Mayor and Council of Peachtree City met in special called session on Monday, December 1, 2025. Mayor Kim Learnard called the meeting to order at 9:00 a.m. Council members attending: Laura Johnson, Suzanne Brown, and Clinton Holland.

**Pledge of Allegiance and Moment of Silence**

**Old Agenda Items**

**A. 10-25-05 2025 Maintenance and Operation Millage Rate**

Financial & Administrative Services Director Kelly Bush asked the Council to approve the 2025 millage rate of 5.840. Brown made the motion to approve. Johnson seconded. Motion carried unanimously.

**Adjourn**

With no more business to come before the Council, Holland made a motion to adjourn. Brown seconded. Motion carried unanimously.

The meeting ended at 9:01 a.m.

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Stacey Collins, Deputy City Clerk

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Kim Learnard, Mayor

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** David Borkowski, City Engineer 12/03/2025  
Chris Hobby, Assistant City Manager 12/03/2025  
Justin Strickland, City Manager 12/04/2025

**DATE:** December 11, 2025

**SUBJECT:** Storm Water Maintenance Agreement - 215 Northlake Dr.

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**Recommendation:**

Authorize the Mayor to execute the attached Stormwater Management Facility Maintenance Agreement with James Royal.

**Discussion:**

The City's stormwater management ordinance requires that all new developments submit an agreement to the City stating that they will maintain the stormwater best management practices that they install. The agreement does not obligate the City financially or require the City to perform maintenance.

James Royal has submitted his agreement to the City and staff recommends signing the agreement in accordance with our ordinance.

**Budget Impact:**

There is no budget impact with this item.

**Attachments:**

1. Stormwater Management Facility Maintenance Agreement\_PDF

Record and return to:

Cinnamon Mack  
City of Peachtree City  
209 McIntosh Road  
Peachtree City, Georgia 30269

## STORMWATER MANAGEMENT FACILITY MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 13th day of November, by and between James Royal, a Georgia resident (hereinafter called the "Landowner") and PEACHTREE CITY, GEORGIA (hereinafter called the "City").

WITNESSETH, that WHEREAS, the Landowner is the owner of certain real property described as

Aberdeen Village Shopping Center  
Fayette County, Georgia, Deed Book 651 Page 4294 (hereinafter called the "Property");

WHEREAS, the Landowner is proceeding to build on and develop a portion of the property as shown on Exhibit "A";

WHEREAS, the Site Plan/Subdivision Plan known as "Royal View Condominiums," dated 10.16.2024 and approved by the City on \_\_\_\_\_ (hereinafter called the "Plan"), which is expressly made a part hereof, as approved or to be approved by the City, provides for management of stormwater, as indicated, within the confines of the Property;

WHEREAS the City and the Landowner, its successors and assigns, including any office park or industrial park association, agree that the health, safety, and welfare of the residents of Peachtree City, Georgia, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including any office park or industrial park association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan.
2. The Landowner, its successors and assigns, including any office park or industrial park association, shall adequately maintain the stormwater management facilities. This includes all pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Stormwater Structural Control Maintenance Checklists found in the latest edition of the *Georgia Stormwater Management Manual* are to be used to establish what constitutes "good working condition," under this Agreement.

3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report annually. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.
4. The Landowner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the City deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.
5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the City, the City may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. The Landowner shall be given notice of the deficiencies identified in the inspection report so as to take the necessary corrective action. Such corrective action shall be completed within thirty (30) days of the Landowner's receipt of such notice. In the event that the Landowner cannot complete such remedial action within this time period, the Landowner shall provide a schedule for completion, which scheduled must be approved by the City. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.
6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.
7. In the event the City, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) day of receipt thereof for all actual costs incurred by the City hereunder.
8. This agreement imposes no liability of any kind whatsoever on the City and the Landowner agrees to indemnify and hold the City harmless from any liability in the event the stormwater management facilities fail to operate properly.
9. This agreement shall be recorded among the land records of Fayette County, Georgia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any office park or industrial park association.

**WITNESS the following signatures and seals:**

Signed, sealed and delivered  
in the presence of:

*Randy Tyndall*  
Witness  
*Marilyn M Royal*  
Notary Public

My commission expires: 6-25-28

Marilyn M Royal  
NOTARY PUBLIC  
Fayette County, Georgia  
My Commission Expires 6/25/2028  
Signed, sealed and delivered  
in the presence of:

Witness

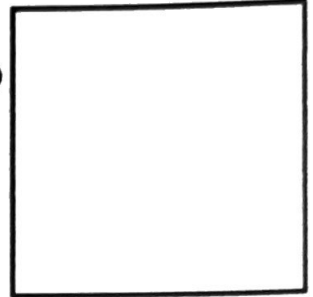
Notary Public

My commission expires: \_\_\_\_\_

Maintenance Facility Contact Information: (Please print or type)

Randy Tyndall  
Name  
215 Northlake Drive  
Address  
Peachtree City, Ga. 30269  
City/State/Zip  
470.686.0551  
Telephone Number

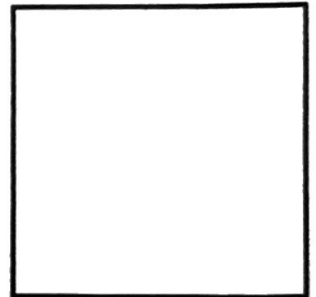
*James Royal* (Corp. Seal if applicable)  
(Owner Signature)  
James Royal  
(Owner Printed Name & Company Name)



**PEACHTREE CITY, GEORGIA**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

(Seal)



randytyndall90@gmail.com  
E-mail address

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Yasmin Julio, City Clerk/ Director of Executive Services 12/04/2025  
Justin Strickland, City Manager 12/04/2025

**DATE:** December 11, 2025

**SUBJECT:** New Alcohol License - Biciletta, 1263 N. Peachtree Parkway

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**Recommendation:**

Approve a new alcohol license for Biciletta at 1263 North Peachtree Parkway

**Discussion:**

Biciletta, 1263 North Peachtree Parkway, has submitted a request for a new alcohol license. Mr. David Gibbs has requested to be appointed as the Licensee and the License Representative.

The business location and Mr. Gibbs have met the requirements of the alcohol ordinance to be granted a license.

**Budget Impact:**

The budgetary impact of the alcohol beverage license will be positive. The applicant will be required to pay the annual fee for malt beverages, wine, and distilled spirits, which is \$5,000 as well as \$500 for Sunday Sales.

**Attachments:**

1. 3349\_001\_Redacted



## Office of the City Clerk

City of Peachtree City  
151 Willowbend Road  
Peachtree City, GA 30269  
Phone: 770-487-7657  
Fax: 770-631-2505  
[PeachtreeCityGA.gov](http://PeachtreeCityGA.gov)

### Application for Alcoholic Beverage License

|                                                       |                                                                                     |                                              |
|-------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Business Name:</b><br>Bicicletta, LLC              | <b>Business Location:</b><br>1263 North Peachtree Pkwy,<br>Peachtree City, GA 30269 | <b>Number of Serving Bars:</b><br>1          |
| <b>Nature of Business:</b><br>Full Service Restaurant | <b>Mailing Address:</b><br>1263 North Peachtree Pkwy,<br>Peachtree City, GA 30269   | <b>Business Phone Number:</b><br>[REDACTED]  |
| <b>Name of Licensee:</b><br>David Gibbs               | <b>Home Address:</b><br>[REDACTED] Atlanta, GA 30312                                | <b>Home/Cell Phone Number:</b><br>[REDACTED] |
| <b>Name of License Representative:</b><br>David Gibbs | <b>Home Address:</b><br>[REDACTED] Atlanta, GA 30312                                | <b>Home/Cell Phone Number:</b><br>[REDACTED] |

#### Type of License:

| Retail Consumption Dealer |   | Retail Package Dealer |  | Wholesale Dealer  |  | Manufacturer      |  |
|---------------------------|---|-----------------------|--|-------------------|--|-------------------|--|
| Malt Beverage             | X | Malt Beverage         |  | Malt Beverage     |  | Malt Beverage     |  |
| Wine                      | X | Wine                  |  | Wine              |  | Wine              |  |
| Distilled Spirits         | X | Distilled Spirits     |  | Distilled Spirits |  | Distilled Spirits |  |
| Sunday Sales              | X | Holidays              |  |                   |  |                   |  |

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

| <b>Name:</b><br>Individual Owner's Name, Partners' Names,<br>Corporation Name, and name of Contact<br>Person regarding License Changes, Taxes, etc. | <b>Address:</b><br>Please provide Home Addresses for the<br>individuals listed | <b>Phone Numbers:</b><br>Please provide Home and Business Phone<br>Numbers for individuals listed |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| David Gibbs, Owner                                                                                                                                  | [REDACTED] Atlanta, GA 30312                                                   | [REDACTED]                                                                                        |
| Andrea Montobbio, Owner                                                                                                                             | [REDACTED] Peachtree City,<br>GA 30269                                         | [REDACTED]                                                                                        |
| Courtney Brooks, Owner                                                                                                                              | [REDACTED] Palmetto, GA<br>30268                                               | [REDACTED]                                                                                        |

#### Contact Person:

David Gibbs

#### E-mail Addresses for License Applicant(s):

David Gibbs -  
[Gibbs@vfcrestaurantgroup.com](mailto:Gibbs@vfcrestaurantgroup.com)

Andrea Montobbio -  
[amontobbio@vfcrestaurantgroup.com](mailto:amontobbio@vfcrestaurantgroup.com)

Courtney Brooks -  
[Courtney.Noce@glaw.com](mailto:Courtney.Noce@glaw.com)

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

If YES, please provide name of employee: \_\_\_\_\_

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Jonathan Miller, Public Works Director 12/05/2025  
Dustin Farron, Assistant Financial & Administrative Services Director 12/05/2025  
Chris Hobby, Assistant City Manager 12/05/2025  
Justin Strickland, City Manager 12/05/2025

**DATE:** December 11, 2025

**SUBJECT:** Donation from Bike-Walk Fayette

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**Recommendation:**

Accept a \$1,000 Donation of in-kind materials from Bike-Walk Fayette for the purpose of Path and Trail Kiosk Maintenance.

**Discussion:**

Bike-Walk Fayette along with the SouthSide Cycling Club proposes to donate in-kind materials of approximately \$1,000 value in FY26 for maintenance of six information kiosks located on multi-use paths and trails previously constructed by volunteers. These volunteers will lead other community groups and residents to donate materials and make materials-in-kind contributions to complete the refurbishment of the six kiosks, to include installation of replacement metal roofs and timbers, painting and attaching City-approved public information signs.

All of these kiosks were originally Eagle Scout projects sponsored by community organizations and completed over 10 years ago. The paint, signs and maps on the kiosk are faded and, for the most part, are unreadable. This is also an opportunity to refresh the kiosks to include sharing the Navigate PTC app and the latest path safety rules and procedures.

**Budget Impact:**

None

**Attachments:**

None

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Yasmin Julio, City Clerk/ Director of Executive Services 12/04/2025  
Shayla Reed, Planning Director 12/04/2025  
Matt Myers, Assistant Police Chief 12/04/2025  
Justin Strickland, City Manager 12/05/2025

**DATE:** December 11, 2025

**SUBJECT:** 11-25-05 Alcohol Ordinance Amendment and Fee Schedule Update

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**Recommendation:**

Action may be taken. However, no action is required at this time.

**Discussion:**

The ordinance amendment originated from two independent requests from businesses within the City:

A new local restaurant requested the ability to sell unopened bottles of wine to patrons who wish to take home a wine they enjoyed with their meal. The current city ordinance does not provide a mechanism for restaurants with on-premises consumption licenses to offer such retail wine sales unless through the corkage section of the ordinance. (Amendments within Sec. 6-113 & 6-122)

A shopping center property management emailed with a request to seek the ability to allow patrons to move freely with alcohol throughout specific outdoor portions of the center during regular business hours. The current ordinance limits such open-container privileges to special events, leaving no pathway for a controlled, year-round outdoor service model. (Amendments within Sec. 6-2, 6-36, 6-51, 6-56, 6-113, 6-122, and the fee schedule)

Staff evaluated the issues and identified opportunities to modernize the ordinance in a way that supports local commerce while ensuring public safety and clear operational standards.

**Budget Impact:**

If approved, each entertainment district license would generate \$500 in annual revenue.

**Attachments:**

1. Draft- Chapter\_6\_\_\_ALCOHOLIC\_BEVERAGES (2)

## Chapter 6 ALCOHOLIC BEVERAGES<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 6-1. Authority to regulate alcoholic beverages in city.

The provisions of this chapter are ordained under and by virtue of the authority granted by:

- (1) O.C.G.A. § 3-4-49, authorizing a municipality voting in favor of the issuance of licenses for the manufacture, possession, distribution and sale by the package of distilled spirits, to adopt all reasonable rules and regulations as may fall within the police powers of the municipality to regulate any such business;
- (2) O.C.G.A. § 3-4-90, authorizing each such municipality to issue licenses, through ordinance, to sell distilled spirits for beverage purposes by the drink, the sales to be for consumption only on the premises;
- (3) O.C.G.A. § 3-4-110, granting such municipality the full power to adopt all reasonable rules and regulations governing the conduct of any such licensee, including but not limited to the regulation of hours of business, types of employees, and other matters which may fall within the police powers of such municipality;
- (4) O.C.G.A. §§ 3-5-40 and 3-5-42, authorizing municipal licenses for the business of manufacturing, distributing and selling malt beverages at wholesale and retail; and
- (5) O.C.G.A. § 3-6-40, authorizing municipal licenses for the manufacturing, distributing and selling wine at wholesale and retail; and
- (6) O.C.G.A. § 3-15-2, granting such municipality the full power to adopt other terms, conditions and limitations relating to tasting events.

(Code 1980, § 3-1; Ord. No. 1239, § 1, 8-21-2025)

#### Sec. 6-2. Definitions.

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

*Alcoholic* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means all alcoholic, distilled spirits, beer, malt beverage, wine, or fortified wine.

*Approved containers* means a tamper evident container that:

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<sup>1</sup>Cross reference(s)—Drunk or disorderly persons, § 50-8; drinking alcoholic beverages in public, § 50-9; intoxication in parks, § 54-7.

State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; authority to adopt rules and regulations relating to manufacture, sale and distribution of distilled spirits, O.C.G.A. § 3-4-49.

- 
- (1) Does not contain openings or straw holes;
  - (2) Is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with; and
  - (3) Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

*Art shop.* A retail business devoted exclusively to providing art education that is limited to instruction in painting, sculpture and similar crafts; or to selling and displaying portraits, paintings, sculptures, art supplies and similar artwork and crafts. An art shop shall not allow activities that would cause the business to be an "adult entertainment establishment" as defined in chapter 10, article II of this Code.

*Broker* means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody or possession of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

*Brown bagging* means the act of patrons entering any restaurant, private club, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patron's own alcoholic beverage.

*Brown bag establishment* means any restaurant, private club or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume the patrons' own alcoholic beverages.

*Caterer* means any person who prepares food and furnishes beverages, but not alcoholic beverages, for consumption off the premises of a food service facility or restaurant for a special event.

*Close corporation* means a domestic corporation which does not have:

- (1) More than five stockholders;
- (2) A corporation as a shareholder; or
- (3) More than one class of stock.

*Curbside pick-up* means when a licensee furnishes purchased goods to a customer's vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including but not limited to all fortified wines.

*Entertainment District* means a defined, contiguous, mixed-use or commercial area, approved by the city council, within which licensed establishments and their patrons may possess and consume alcoholic beverages outdoors within a designated boundary.

*Food service establishment* means any establishment holding a valid food service permit from a respective county health department.

*Fortified wine* means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes but is not limited to brandy.

*Growler* means glass, plastic or other type of container, not less than 12 ounces or more than 64 ounces, used to hold specialty malt beverages such as beer and hard cider, which are dispensed from a tap and sealed airtight before being sold to the customer for off-premises consumption.

*Growler retailer* means a person or entity that holds a current retail package (malt beverage) license from the city for the sale of malt beverages pursuant to subsection 6-36(a)(4) and a valid current alcohol license from the state and sells specialty malt beverages in growlers. A growler retailer does not include any retailer that sells distilled spirits or that holds a consumption license from the city.

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*Hotel* means a building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least 40, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge or restaurant, or both, on their premises; and the holder of such franchise shall be included in the definition of hotel hereunder. If more than one franchise is granted, such franchise will be considered an additional licensee under this chapter.

*Individual* means a natural person not a corporation.

*Interest in license* means an individual's having an interest in a license if he:

- (1) Is the owner of the license.
- (2) Is a co-owner of the license.
- (3) Is a partner in any partnership that owns an interest in a license.
- (4) Is a stockholder in any corporation which owns an interest in a license.
- (5) Shares in any income or corpus of any trust fund having any interest in a license to sell at retail.

*License representative* means, if a license representative is required, a resident of the state and a manager of the business who is on the premises on a regular basis.

*Licensee* for all businesses means that:

- (1) The licensee shall be at least 21 years of age.
- (2) If the business is to be operated by an individual, the licensee shall be that individual.
- (3) If the business is to be operated by a partnership, the licensee shall be an individual who is a partner; or, if all partners are nonindividuals, then the licensee shall be an individual who is an officer of any corporation which is a partner, or an individual who is an officer, manager or agent of any unincorporated entity which is a partner.
- (4) If the business is to be operated by a close corporation, corporation or similar business entity, the licensee shall be either an officer of the corporation or the registered agent of the corporation.
- (5) If the licensee is a resident of the state and a manager of the business who is on the premises on a regular basis, the licensee may also be the license representative of the business. If not, a license representative shall be named in accordance with this chapter.

*Malt beverage* means any alcoholic beverage obtained by the fermentation or any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including, but not limited to, ale, porter, brown, stout, lager beer, malt liquor, small beer and strong beer.

*Manufacturer* means any maker, producer, or bottler of an alcoholic beverage and:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewery; and
- (3) In the case of wine, any vintner.

---

*Minor* means any person under the age of 21 years.

*Mixed drink* means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that;

- (1) Is prepared on the day of the sale by an employee of the licensee;
- (2) Contains no more than three ounces of distilled spirits; and
- (3) Is sealed in an approved container.

*Package* means a bottle, can, keg, barrel or other original consumer container.

*Permitted location* means a building, premises or location for which a permit is required pursuant to this chapter and shall include a premises and a licensed premises as defined herein.

*Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit.

*Premises* means a definite enclosed area or other outside area with controlled ingress and egress wherein spirituous liquors, alcoholic beverages, malt beverages or wine shall be manufactured; sold and consumed; and/or sold by the package to be consumed elsewhere.

*Private residence* means an occupied house, dwelling or structure in a residential zoning district wherein families reside.

*Retail consumption dealer* means any person who sells alcoholic beverages for consumption on the premises or for curbside pick-up at retail.

*Retail grocery store* means a store which carries groceries as at least 51 percent of its inventory. For purposes of this section, the term "groceries" does not include alcoholic beverages, gasoline, diesel fuel, motor oil, grease or other petroleum products used for the maintenance or operation of motor vehicles.

*Retail package dealer* means any person who sells alcoholic beverages in unbroken packages for consumption off the premises at retail.

*Special event or private function* means any organized activity having as its purpose entertainment, recreation and/or education, such as a festival, party, reception, celebration or assembly which occurs or takes place on private or public property.

*Twenty-one years of age and up special event* means a special event for which the primary intended purpose is consumption or tasting of alcoholic beverages if more than 50 percent of the expected gross revenue will be derived from the sale of alcoholic beverages, to include the sale of tickets that allow access to, or redemption of, alcoholic beverages.

*Wholesaler or wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail package dealers, or to retail consumption dealers.

*Wine* means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, grapes, or other natural products by natural fermentation. Wine includes but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, sake, natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

(Code 1980, § 3-2; Ord. No. 912, § 1, 11-1-2007; Ord. No. 923, § 1, 12-6-2007; Ord. No. 1051, § 1, 11-8-2012; Ord. No. 1062, § 1, 6-6-2013; Ord. No. 1136, § 1, 11-2-2017; Ord. No. 1177, § 1, 2-20-2020; Ord. No. 1202, § 1, 10-6-2022; Ord. No. 1220, § 1, 6-20-2024; Ord. No. 1239, § 1, 8-21-2025)

Cross reference(s)—Definitions generally, § 1-2.

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**Secs. 6-3—6-35. Reserved.**

## ***ARTICLE II. LICENSING<sup>2</sup>***

### ***DIVISION 1. GENERALLY***

#### **Sec. 6-36. License required to sell alcoholic beverages.**

- (a) Licenses for the sale of alcoholic beverages shall be issued by the city clerk at an annual license fee to be established by city council resolution for the following:
- (1) Retail consumption dealer (distilled spirits);
  - (2) Retail package dealer (distilled spirits);
  - (3) Retail consumption dealer (malt beverage);
  - (4) Retail package dealer (malt beverage);
  - (5) Retail consumption dealer (wine);
  - (6) Retail package dealer (wine);
  - (7) Wholesale dealer (distilled spirits);
  - (8) Wholesale dealer (malt beverage);
  - (9) Wholesale dealer (wine);
  - (10) Manufacturer (distilled spirits);
  - (11) Manufacturer (malt beverage);
  - (12) Manufacturer (wine);
  - (13) Retail consumption dealer—Additional license;
  - (14) Qualifying location permit (distilled spirits, malt beverages and wine);
  - (15) Special event alcohol permit;
  - (16) Retail consumption dealer (distilled spirits, malt beverage, wine) Frederick Brown, Jr., Amphitheater;
  - (17) Tasting permit (supplemental to retail package dealer for wine, malt beverage and/or distilled spirits);
  - (18) Broker (malt beverage);
  - (19) Broker (wine); and
  - (20) Broker (distilled spirits);
  - ~~-(21) Entertainment District (distilled spirits, malt beverage, wine)~~

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<sup>2</sup>State law reference(s)—Local permit or license required for wholesale or retail sales of alcoholic beverages, O.C.G.A. § 3-3-2(a); governing authority to set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A. § 3-3-2(b)(1).

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- (b) Wholesale dealers are not required to pay a license fee pursuant to subsection (a)(7), (8) and (9) of this section unless the wholesaler or his agent delivers alcoholic beverages at the time the order is taken or unless the wholesaler's business is located within the city limits.
  - (c) The fee for the retail consumption license issued for the Frederick Brown, Jr., Amphitheater shall be 50 percent of the annual fee established by city council; provided, however, that if the licensee holds another retail consumption license within the city the fee shall be 25 percent of the annual fee established by the city council.
  - (d) All licenses issued in this article shall constitute a mere grant of a privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this chapter and related laws, applicable provisions of this Code, and other ordinances and resolutions of the city relating to such business.
  - (e) Both the licensee and the license representative shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given under this article for any action or proceeding or uses of any nature whatsoever permitted under the provisions of this chapter or under any other provisions of this Code.

(Code 1980, § 3-3; Ord. No. 912, § 2, 11-1-2007; Ord. No. 923, § 2, 12-6-2007; Ord. No. 968, § 1, 2-19-2009; Ord. No. 1039, § 1, 1-5-2012; Ord. No. 1051, § 2, 11-8-2012; Ord. No. 1077, § 1, 5-1-2014; Ord. No. 1136, § 2, 11-2-2017; Ord. No. 1177, § 2, 2-20-2020; Ord. No. 1220, § 1, 6-20-2024; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-37. Contents of application for license.**

- (a) All persons desiring to obtain a license under this chapter for the sale of alcoholic beverages shall apply to the city council upon forms to be prepared and provided by the city clerk. Such applications shall state:
  - (1) The location of the proposed business;
  - (2) The nature and character of the proposed business;
  - (3) If the business is to be operated by an individual, the name and address of that individual;
  - (4) If the business is to be operated by a partnership, the names and addresses of all general partners, the licensee and the license representative;
  - (5) If the business is to be operated by a close corporation, the names and addresses of all officers, directors, stockholders, licensee and license representative;
  - (6) If the business is to be operated by a corporation, other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation, and the name and address of the licensee and license representative; and
  - (7) Such other appropriate information as may be required by the governing body or city clerk.
- (b) The truth of the contents of an application for a license shall be sworn to by the licensee and the license representative.
- (c) The application, when filed with the city clerk, shall be accompanied by a processing fee determined by a fee schedule adopted by the mayor and city council. This processing fee is separate from and shall not be credited to the license fee. If an applicant for licensee or license representative has an unsatisfactory background as determined by the police chief and an application is submitted for a different licensee or license representative, an additional processing fee must be paid. The processing fee will not be refunded if the requested license is not granted.

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- (d) When the license is approved, the license fee must be paid within 30 days and prior to the issuance of the license.
  - (e) If the person applying fails to receive a license from the state, any license fees paid to the city shall be refunded.
  - (f) Only one application form and accompanying documents must be filed for each business premises.

(Code 1980, § 3-4; Ord. No. 719, 7-15-99; Ord. No. 796, 11-21-02; Ord. No. 801, 2-6-03; Ord. No. 1239, § 1, 8-21-2025)

### **Sec. 6-38. Supporting documents to be filed with application.**

Those applying for a license under this article shall submit in support of the application for license the following documents:

- (1) A certificate from a registered land surveyor showing a scale drawing of the location of the proposed premises and the shortest straight line distance from the premises to any church building, alcoholic treatment center building, school building, educational building, school grounds, college building, or college campus located within a radius of 200 yards of the premises.
- (2) The affidavit of each person whose name appears on an application for a license, pursuant to subsection 6-37(2), swearing that such person has not, within five years prior to the date of the application, been convicted of nor entered a plea of nolo contendere to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs.
- (3) A copy of a deed showing the applicant to be the owner of the premises for which the license is sought or a copy of a lease showing any interest the owner of the premises has in the business for which the license is sought. The applicant for a license for retail consumption dealer at the Frederick Brown, Jr. Amphitheater shall be required only to present a copy of the contract that he has to operate as a retail consumption dealer at the amphitheater.
- (4) A certificate of the chief of police of the city certifying that each person named in an application pursuant to subsection 6-37(2) has been investigated and found not to have been convicted of nor to have entered a plea of nolo contendere to any felony or a misdemeanor relating to the sale of alcoholic beverages or illegal drugs within five years prior to the date of the application for a license.
- (5) If the same person is serving as the licensee and the license representative, he shall submit an affidavit certifying that he is at least 21 years of age, a resident of the state and a manager of the business.
- (6) If the licensee is not the license representative, an affidavit from the license representative certifying that he is at least 21 years of age, a resident of the state and a manager of the business.
- (7) Other appropriate information may be required as determined by the city clerk.

Broker license applications are exempt from providing items listed above within subsections (1) and (3).

(Code 1980, § 3-5; Ord. No. 799, 1-16-2003; Ord. No. 1166, § 1, 1-17-2019; Ord. No. 1220, § 1, 6-20-2024; Ord. No. 1239, § 1, 8-21-2025)

### **Sec. 6-39. Prohibited distances—Sale of alcoholic beverages near churches, schools, or other sites.**

- (a) No license shall be issued pursuant to this article for the sale of:

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- (1) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;
  - (2) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application;
  - (3) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981;
  - (4) Any distilled spirits, wine, or malt beverages for consumption on the premises within 100 yards of any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. tit. 8, ch. 3, art. 1, the Georgia "Housing Authorities Law." This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.
- (b) The distances referred to in subsection (a) of this section shall be measured by the shortest straight line.
- (c) Broker license is exempt from distance requirements.

(Ord. No. 1033, § 1, 7-21-2011; Ord. No. 1220, § 1, 6-20-2024; Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 1033, § 1, adopted July 21, 2011, amended section 6-39 in its entirety to read as herein set out. Formerly, section 6-39 pertained to no licenses issued within prohibited distances and derived from the Code of 1980, § 3-6.

#### **Sec. 6-40. Reserved.**

Editor's note(s)—Ord. No. 1239, § 1, adopted August 21, 2025, repealed § 6-40 which pertained to notice of application advertisement and derived from 1980 Code § 3-7; Ord. No. 719, adopted July 15, 1999; and Ord. No. 968, adopted February 19, 2009.

#### **Sec. 6-41. Issuance of license by city clerk.**

- (a) Upon approval of the application for license by the council, and the timely payment of the license fee, the city clerk shall issue the appropriate license for the year in which approval was granted.
- (b) If issued to a corporation, the license shall be issued in the name of the corporation, the licensee and the license representative.
- (c) If issued to a partnership, the license shall be issued in the name of all the general partners, the licensee and the license representative.
- (d) If issued to an individual, the license shall be issued to that individual as licensee and license representative.

(Code 1980, § 3-8; Ord. No. 719, 7-15-1999; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-42. Renewal of licenses by city clerk.**

- (a) For any new license granted under this article prior to July 1, the licensee shall pay the full annual license fee.

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- (b) For any new license granted under this article subsequent to July 1, the license fee shall be reduced by one-half.
  - (c) The city clerk shall issue renewal licenses upon payment of the annual license fee, by the last business day in December preceding the year for which the license is sought.
  - (d) The city clerk shall send a letter to all license holders on or before December 1 of each year to remind the license holders of renewal deadline for the subsequent year.

(Code 1980, § 3-9; Ord. No. 1001, § 1, 6-3-2010; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-43. Completion of proposed licensed premises.**

- (a) Prior to the construction, renovation or completion of a licensed premises, the city council may allow a license to be issued only if plans for the proposed premises comply with applicable provisions of this chapter.
- (b) However, no sales of alcoholic beverages shall be allowed upon the premises until they are completed according to the plans submitted and unless all other provisions of this chapter are complied with.

(Code 1980, § 3-10; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-44. Time limit for commencement of business in licensed establishment; forfeiture for nonuse.**

- (a) All holders of licenses under this article must within six months after the issuance of the license open the establishment referred to in the license with the exception of the holder of any license for retail consumption at the Frederick Brown, Jr. Amphitheater who must open the establishment at the amphitheater during those events permitted under section 54-7. If the license holder fails to open the licensed establishment or receive a time extension from the city council within the six-month period or, in a case of the license holder for the amphitheater before the next event which would allow the sale of alcohol according to the terms of section 54-7, the license shall be canceled and all fees forfeited.
- (b) Any holder of a license who, after beginning operation, ceases to operate the business for a three-month period automatically forfeits his license; and the license shall be automatically canceled.

(Code 1980, § 3-11; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-45. Wholesale licensees authorized to sell to retail licensees.**

- (a) Wholesale licenses shall be issued only to those persons who are licensed by the state to sell and distribute alcoholic beverages at wholesale.
- (b) Upon payment of the required fee, the city clerk shall issue wholesale licenses if the person applying proves to the clerk's satisfaction that he is licensed to sell at wholesale by the state.
- (c) Licensed wholesalers of distilled spirits, malt beverages or wine under the provisions of this section may sell at wholesale to any person licensed as provided in this article. Persons licensed under this article may purchase from a licensed wholesaler at wholesale in accordance with their license.

(Code 1980, § 3-12; Ord. No. 1239, § 1, 8-21-2025)

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**Sec. 6-46. Excise tax; report; penalty for failure to file; payment.**

- (a) In addition to the annual license fee required for the sale of alcoholic beverages, there is levied an excise tax computed as follows:
  - (1) For distilled spirits, the maximum allowed as provided in O.C.G.A. § 3-4-80;
  - (2) For foreign and domestic wines, the maximum allowed as provided in O.C.G.A. § 3-6-60 except as exempt in O.C.G.A. § 3-6-70; and
  - (3) For malt beverages, the maximum allowed as provided in O.C.G.A. § 3-5-80 except as exempt in O.C.G.A. § 3-5-90.
- (b) The excise tax levied under subsection (a)(1), (2) and (3) of this section shall be paid and collected in the following manner: Except for alcoholic beverages sold directly to consumers on the premises of a licensed manufacturer, taxes shall be paid by the wholesale dealer on or before the 20th day of the month following the calendar month in which the beverages are sold or disposed of within the city by the wholesale dealer. In the case of alcoholic beverages sold directly to consumers on the premises of a licensed manufacturer, the taxes shall be paid by the manufacturer on or before the 20th day of the month following the calendar month in which the beverages are sold or disposed of within the city by the manufacturer. The wholesale dealer or manufacturer, as the case may be, shall also file a report itemizing for the preceding calendar month the exact quantities of alcoholic beverages by size and type of container, sold during the month within the city, except that manufacturers do not have to report alcoholic beverages sold to wholesalers. The wholesale dealer or manufacturer, as the case may be, shall file the report and pay the tax at the office of the city clerk.
- (c) The failure to make a timely report and remittance shall render the defaulting licensee liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of 25 percent of the amount of such remittance for each successive 30-day period or any portion thereof, during which such report and remittance are not filed or paid.
- (d) The filing of a false or fraudulent report shall render the dealer making the report liable for a penalty equal to 50 percent of the amount of the remittance which would be required under an accurate and truthful report, and shall also constitute grounds for probation, suspension or revocation of such license, and shall also constitute a violation of the ordinances of the city for which the offender may be convicted in the municipal court as provided in the Charter.

(Code 1980, § 3-13; Ord. No. 794, 10-17-2002; Ord. No. 906, § 1, 9-6-2007; Ord. No. 1136, § 3, 11-2-2017; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-47. License transfers, change licensee, or license representative or relocation of business.**

- (a) Retail alcoholic beverage licenses may be transferred from one owner to another with the approval of the city manager provided:
  - (1) The business has existed at the same location and licenses have not been transferred for more than one year;
  - (2) All existing alcoholic beverage licenses issued to the existing owner for that location shall be transferred;

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- (3) All provisions of section 6-37 shall be completed by the new owner except for subsection (d) provided license fees are current; and
  - (4) All provisions of section 6-38 shall be completed by the new owner except for subsection (a) provided such information was previously supplied by the existing owner or previous owners and has not changed.
  - (b) All requests for a change in licensee or license representative must be approved by the city manager and shall provide all appropriate information or supporting documents required under sections 6-37 and 6-38 as outlined in an approved form to be supplied by the city clerk for that purpose.
  - (c) So long as there is no change in ownership, a temporary license representative may be appointed by the licensee for a period not to exceed 45 days, subject to the following conditions:
    - (1) The temporary license representative makes application by providing all appropriate information or supporting documents required under sections 6-37 and 6-38 as outlined in an approved form to be supplied by the city clerk for this purpose;
    - (2) The application is approved by the city manager prior to the issuance of an amended license;
    - (3) There shall be no residence requirement for a temporary license representative; and
    - (4) There shall be no extension of the 45-day period of operation for any temporary license representative without approval of the city manager.
  - (d) All business relocations must be approved by the city manager, and the licensee and license representative shall provide all appropriate information and supporting documents as required under sections 6-37 and 6-38. Requirements of section 6-40 relating to advertising must be met. Additional license fees shall not be required if fees are current.
  - (e) Any violation of this section shall constitute due cause for probation, suspension or revocation of the license or licenses granted by the council.
  - (f) Broker license is non-transferable.

(Code 1980, § 3-14; Ord. No. 798, 1-16-2003; Ord. No. 964, § 1, 12-18-2008; Ord. No. 1220, § 1, 6-20-2024; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-48. Standards to be applied by city council in granting licenses.**

The standards to be applied by the city council acting in his or her judicial capacity to grant or deny a license shall include whether, in the best judgment of the council, the applicant, based on all information obtained in the application process, possesses the qualities of sound judgment and discretion necessary for one who dispenses alcoholic beverages to the public generally.

(Code 1980, § 3-14.1; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-49. Applicants meeting standards will be granted license; reason for denial to be given in writing.**

All applicants for a license meeting the ascertainable standards of this chapter will be granted the license or licenses requested, and the council in applying the facts to the licensing criteria will act in a judicial capacity. Whenever an application for a license is denied by the council, the reasons for such denial shall be stated in writing and entered upon the minutes.

(Code 1980, § 3-15; Ord. No. 1239, § 1, 8-21-2025)

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## **Sec. 6-50. State alcohol licenses required.**

- (a) All holders of licenses under this article must obtain the appropriate state alcohol licenses within 90 days from the date the city license is granted. Written proof must be provided to the city clerk within 90 days. Failure to obtain the required state licenses will result in a forfeiture of the city license on the first business day following the 90 days granted above. If the state declines to approve the request for an alcohol license, the city will return all fees paid with the exception of the application fee.
- (b) All holders of city licenses must keep their state license in good standing. Any failure to keep the state license in effect will result in an immediate forfeiture and loss of the city license.

(Code 1980, § 3-16; Ord. No. 1001, § 2, 6-3-2010; Ord. No. 1239, § 1, 8-21-2025)

## **Sec. 6-51. Permitted location for special events at which alcoholic beverages are served or sold.**

- (a) No alcoholic beverages shall be sold, dispensed, distributed, poured or served at any location, premises, or building in the city except as set out in this chapter unless otherwise provided for under this chapter.
- (b) The owner or lessee of a location at which alcoholic beverages are to be furnished and served by the drink at a private function or special event by a person at a location not otherwise required to be licensed pursuant to this chapter, or at a location at which alcoholic beverages are to be sold by the drink or by the package at a special event, shall first obtain a qualifying location permit designating such location as a "permitted location." Such qualifying location permit shall be good for the calendar year in which it is issued and may be renewed annually as set forth in this chapter. Thereafter, the person organizing the private function or special event to be held at a permitted location must apply for and obtain a "special event alcohol permit" as set forth in section 6-52. The cost of such permits shall be as set forth in section 6-36. The requirements of sections 6-37 and 6-38 shall be met by an applicant for a permitted location license. This section shall not apply to areas licensed as an Entertainment District pursuant to Sec. 6-56, which shall be regulated independently of qualifying location and special event permits.
- (c) To qualify as a "permitted location," the location, premises or building shall not be located nearer to an alcoholic treatment center and therefore be considered to be a "prohibited location" as set out in section 6-39, or shall not fail to meet all requirements of the building inspector, the fire marshal, the city engineer, and the planning director for an on-premises pouring outlet, and shall possess a permit as a "permitted location" pursuant to this chapter. The applicant for a qualifying location permit shall submit a plat of survey prepared by a state registered land surveyor showing the distances set forth in this chapter with the application for the qualifying location permit.
- (d) It shall be unlawful for any person to furnish or sell and serve alcoholic beverages by the drink at a private function or special event at a permitted location unless food is also served at the private function or special event.
- (e) Alcoholic beverages furnished or sold and served by the drink at a private function or special event may be consumed only on the premises; and may not be removed from the premises in an open container.
- (f) It shall be unlawful for any alcoholic beverages to be sold at a private function or special event, i.e. "no cash bar" sales will be permitted, unless the permitted location also holds an on premises consumption license for alcoholic beverages.
- (g) Locations, premises or buildings for which an on-premises consumption license has been issued pursuant to this chapter shall be deemed a "permitted location" under this section without further application; however, alcoholic beverages may not be sold or dispensed from the area or premises licensed for the sale and

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dispensing of alcoholic beverages on Sundays in violation of this chapter; provided, however, that if an on premises consumption licensee provides a separate room, not accessible to the regular public or customers of the licensed establishment, where the alcohol is purchased, furnished and served not by the on premises consumption licensee but by the person holding the private function or special event may qualify as a permitted location for the serving of alcoholic beverages in accordance with this section.

- (h) Alcoholic beverages sold by the package at a special event may not be consumed on the premises. Special event alcohol permits for package sales shall be issued for beer and wine only, and shall not include spirituous liquors.
- (i) For "21 years of age and up special events," as defined in section 6-2, hosted on city-owned property, shall require the applicant to submit a plan to contain the event area by a physical barrier with designed control of ingress and egress. The plan must be approved by the city manager or designee before the special event permit will be approved.
- (j) The "permitted location" licensee shall be responsible for any violation of this chapter which occurs at the "permitted location" whether by the licensee's employees or agents, a caterer or their employees or agents, or a lessee or invitee of the licensee, their lessee or invitees or any of their employees or agents except at designated city-owned "permitted locations" provided within this section, at which time the "special event alcohol permittee" as set forth in section 6-52 shall be responsible for any violation of this chapter which occurs at the city-owned "permitted location."
- (k) The times for sales of alcoholic beverages set forth in section 6-123 except that serving without sale of alcoholic beverages at a special event at a permitted location for a special event not otherwise required to be licensed or licensed hereunder for the sale of alcoholic beverages for consumption on the premises only shall be permitted on Sunday between the hours of 12:30 p.m. and 12:00 midnight.
- (l) The following city-owned facilities shall be recognized as "permitted locations" and shall not require an entertainment district license or an annual qualifying location permit:
  - (1) Drake Field.
  - (2) Shakerag Knoll (malt and wine only).
  - (3) The Gathering Place (Senior Center).
  - (4) Frederick Brown Jr. Amphitheater.
  - (5) Peachtree City Dog Park.
  - (6) William Davis BMX Track.
  - (7) McIntosh Place.
  - (8) Luther Glass Park/Three Ponds.
  - (9) Kedron Fieldhouse.

(Ord. No. 923, § 2, 12-6-2007; Ord. No. 1077, § 2, 5-1-2014; Ord. No. 1177, § 2, 2-20-2020; Ord. No. 1187, § 1, 2-18-2021; Ord. No. 1239, § 1, 8-21-2025)

## **Sec. 6-52. Special event alcohol permits.**

- (a) In order to serve wine, and/or beer and malt beverages, and/or distilled spirits at a private function or special event, or to sell wine and/or beer and malt beverages at a special event at a permitted location, the person organizing the private function or special event shall be required to:

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- (1) Apply to the city for a "special event permit." The application shall include the name and business address of any caterer providing food service for the private function or special event, the date, time and location of the event, which location must be a permitted location as set forth in this chapter or otherwise exempt as set forth under this chapter.
  - (2) Pay the cost of such permit as set forth in section 6-36; provided, however that special event permits for events that are less than five consecutive days in duration and held at qualified locations that are owned by governmental entities shall be five percent of the annual permit fee.
  - (3) For 21 years of age and up special events to be hosted on city-owned property, the applicant shall submit a plan to contain the event area with a physical barrier with controlled points of ingress and egress. The plan must be approved by the city manager or designee before the special event alcohol permit is approved.

If the application meets all of the requirements of this chapter, the city clerk shall issue the special event permit. If the city clerk finds that the application does not meet the requirements of this chapter and denies the special event permit, the applicant may appeal in writing to the city council within five days of the date of the denial.

- (b) The "special event alcohol permit" shall be maintained at the site of the private function or special event during the hours alcoholic beverages are served.
- (c) Special event alcohol permits issued for "21 years of age and up special events" shall require no persons under the age of 21 be allowed within the permitted location.
- (d) The city manager or designee shall be authorized to revoke any special event alcohol permit for a special event on city-owned property if it is determined continued alcohol sales may endanger the health, welfare or safety of the public.
- (e) The "special event alcohol permit" licensee shall be responsible for any violation of this chapter which occurs at the event whether by the licensee's employees or agents, invitee of the licensee or invitee of the invitee of the licensee.

(Ord. No. 923, § 2, 12-6-2007; Ord. No. 1077, § 2, 5-1-2014; Ord. No. 1177, § 2, 2-20-2020; Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 1177, § 2, adopted Feb. 20, 2020, amended the title of § 6-52 to read as herein set out. Former § 6-52 was titled, "Special event permits."

### **Sec. 6-53. Exceptions.**

- (a) The fee requirements of this chapter shall not apply to a private function held for business development purposes or charitable purposes at which alcoholic beverages are served by a person or organization not otherwise required to be licensed pursuant to this chapter to members and invited guests of such persons or organization holding the event at a permitted location or at a location not otherwise required to be permitted pursuant to this chapter, provided that the event is not open or accessible to the general public.
- (b) The requirements of this chapter shall not apply to a private function held at a private residence at which alcoholic beverages are purchased and served by a person not otherwise required to be licensed pursuant to this chapter to invited guests of such person, provided that the person holding the event purchases the alcoholic beverages and receives no payment from invited guests, and the event is not open or accessible to the general public.

(Ord. No. 923, § 2, 12-6-2007; Ord. No. 1077, § 2, 5-1-2014; Ord. No. 1239, § 1, 8-21-2025)

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## **Sec. 6-54. Alcoholic beverage tasting permits.**

- (a) *Permit types and eligibility.* The city may issue tasting permits for the sampling of malt beverages, wine, or distilled spirits to:
  - (1) Retail package stores licensed by the city and state for the sale of the relevant alcoholic beverage type by the package.
  - (2) Grocery stores licensed by the city and state for the sale of the relevant alcoholic beverage type by the package, including grocery stores that sell motor fuel.
- (b) *Prohibited locations for acquiring tasting permits.*
  - (1) Businesses that sell motor fuel but that are not grocery stores.
- (c) *General conditions for all tasting events.* Notwithstanding any other provision of this Code, and in accordance with O.C.G.A. § 3-15-2, retail package dealer licensees authorized under subsection (a) may conduct up to 52 tasting events per calendar year, subject to the following:
  - (1) *Location and time.* A tasting event shall take place only on the licensed premises and only at times when such alcoholic beverages may be lawfully sold on such premises.
  - (2) *Frequency and duration.* Only one tasting event per day may be held on the licensed premises, and each tasting event shall not exceed four hours in duration.
  - (3) *Type of alcoholic beverage.* Only one type of alcoholic beverage (malt beverages, wine, or distilled spirits) may be served at a tasting event. Multiple brands of that type may be offered, provided that no more than four packages are open at any one time.
  - (4) *Maximum quantities served.*
    - a. Malt beverages: no more than eight ounces per consumer per event.
    - b. Wine: no more than five ounces per consumer per event.
    - c. Distilled spirits: no more than one and one-half ounces per consumer per event.
  - (5) *Inventory.* Only alcoholic beverages the licensee is authorized to sell on the premises, and which are part of the licensee's inventory, may be offered.
  - (6) *Food service.* Only food lawful to sell on the licensed premises may be served, and it must be offered at no cost to consumers.
  - (7) *Right to refuse.* Any operator or employee of the licensee may refuse to serve any brand, type, or quantity of alcoholic beverage to any consumer.
  - (8) *Notification.* The licensee shall notify the city clerk's office prior to holding a tasting event.
  - (9) *Storage of open packages.* Any open package containing alcoholic beverages not licensed for on-premises consumption shall be kept locked in a secure room or cabinet except when in use during a tasting event.
  - (10) *Manufacturer/wholesaler representatives.* Representatives and salespersons of manufacturers or wholesalers may attend a tasting event but may not host, pour, or provide anything of value to consumers, the licensee, or licensee employees.
  - (11) *Additional local requirements.* The city may impose additional conditions, limitations, or restrictions on tasting events as necessary to protect the public health, safety, and welfare.
- (d) *Application, renewal, and revocation.*

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- (1) A tasting permit application shall be submitted to the city on forms provided by the city.
  - (2) The one-time application fee shall be equal to the established fee for a change in license.
  - (3) A tasting permit shall automatically renew with the renewal of the related alcoholic beverage license, unless revoked or suspended by the city.
  - (4) The city may revoke, suspend, or impose conditions on a tasting permit for violations of this Code, state law, or other regulations governing alcoholic beverages.

(Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 1239, § 1, adopted August 21, 2025, repealed §§ 6-54 and 6-55, and enacted a new § 6-54 as set out above and later amended, and renumbered the existing § 6-56 as § 6-55. Former § 6-54 pertained to wine tastings and derived from Ord. No. 1039, adopted January 5, 2012 and Ord. No. 1077, adopted May 1, 2014. Former § 6-55 pertained to growler sampling permits and derived from Ord. No. 1051, adopted November 8, 2012.

### **Sec. 6-55. Manufacturers.**

- (a) It shall be unlawful to operate an establishment governed under the provisions of this article without first obtaining a license from the city clerk and paying such fees and taxes as may be required by the ordinances, rules and regulations of the city.
- (b) Notwithstanding any other provision of this chapter 6, tastings and direct-to-consumer sales, including both on-premises and off-premises sales, from the licensed premises shall be permitted in accordance with state law, as amended from time to time.
- (c) Notwithstanding any other provision of this chapter 6, and in addition to on-premises sales and package sales, a licensed brewer may furnish or sell growlers directly to consumers in accordance with state law, as amended from time to time.
- (d) Notwithstanding any other provision of this chapter 6, licensed manufacturers may sell or furnish alcohol directly to consumers on Sundays between the hours of 12:30 p.m. and 1:59 a.m., without having to satisfy any food sales requirement.

(Ord. No. 1136, § 4, 11-2-2017; Ord. No. 1239, § 1, 8-21-2025)

Note(s)—Formerly § 6-56, see editor's note for § 6-54.

### **Secs. 6-56 Entertainment District License**

The purpose of the Entertainment District License is to encourage and support vibrant mixed-use and pedestrian-friendly developments that promote local dining, shopping, and entertainment while maintaining the responsible consumption of alcoholic beverages within designated public areas. This section establishes the framework for the licensing and operation of Entertainment Districts as permanent, managed areas for open-container alcohol service.

#### a) License required.

- 1) A property owner, management entity, or authorized representative of a shopping center or mixed-use development may apply for an Entertainment District License.
- 2) Once approved, the Entertainment District License shall permit patrons to possess and consume alcoholic beverages outdoors within the defined district boundaries at all times allowed under Sec. 6-123 (Hours of Sale).

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- 3) Only alcoholic beverages purchased from licensed establishments within the district may be consumed within the boundaries.

b) Eligibility.

To qualify for an Entertainment District License, the applicant must demonstrate that:

- 1) The development includes at least three businesses licensed for on-premises alcohol consumption.
- 2) The property includes shared outdoor pedestrian areas that encourage public gatherings and entertainment.
- 3) Adequate lighting, restrooms, and pedestrian circulation are provided.
- 4) The property owner or management entity agrees to provide continuous maintenance, security, and management oversight of the district.
- 5) The design and proposed boundaries are approved by the city manager and city council.

c) Operational standards.

- 1) Alcoholic beverages may only be possessed or consumed in approved, non-glass containers displaying the name or logo of the licensed establishment or district.
- 2) Patrons shall not remove alcoholic beverages from the district boundaries.
- 3) Each participating establishment must hold a valid on-premises consumption license and comply with all city and state alcohol regulations.
- 4) The property owner or managing entity shall provide sufficient security and waste management and shall coordinate directly with city law enforcement on district operations.
- 5) Hours of sale and consumption shall follow Sec. 6-123.

d) Signage.

The licensee or managing entity of an Entertainment District shall install and maintain visible signage at pedestrian and path exit and access points to the district. Such signs shall read:

“Leaving Entertainment District – Open Containers of Alcohol Prohibited Beyond This Point.”

Signage shall be of sufficient size and placement to be clearly visible to all patrons and comply with any design or placement standards established by the city. The Entertainment District licensee or managing entity shall bear the cost of signage.

- e) License term and renewal. The Entertainment District License shall be valid for one calendar year and may be renewed annually, provided that compliance with this section and all applicable laws is maintained.
- f) Revocation. The city may suspend, revoke, or refuse renewal of an Entertainment District License for repeated or serious violations of this chapter, state law, or any public safety concerns.
- g) Relationship to other licenses. Establishments operating within an approved Entertainment District shall maintain their individual alcohol licenses under Sec. 6-36. The Entertainment District License is supplemental and may be issued in addition to other permits authorized by this chapter.

**Sec. 6-57—6-70. Reserved.**

***DIVISION 2. SUSPENSION, REVOCATION, PROBATION***

**Sec. 6-71. Penalty schedule.**

- (a) Within three days following a court appearance of a licensee, license representative, employee or owner of a licensed establishment in municipal court for violation of this chapter, the police chief shall submit to the city clerk an investigation report of the violation. The report will include the details of the violation and the specific section of this chapter and/or other city ordinance, or state laws that have been violated and the sentence imposed by the court.
- (b) The city clerk shall review the investigation report and the official records of the licensee and recommend to the chief administrative officer to either probate, suspend and/or probate, or revoke the license of the violator based on the penalty schedule in this section; except that no license shall be placed on probation, suspended or revoked unless there is due cause.
- (c) The chief administrative officer shall not be required to strictly adhere to the progressive penalties in the penalty schedule and is authorized to invoke a more or less severe penalty based on the circumstances of the violation, to include forwarding the violation directly to the city council for an administrative hearing. The chief administrative officer shall schedule the penalty period not earlier than 14 days following written notification of the penalty to the licensee.

**Penalty Schedule**

1st violation: six-month probation.

2nd violation: seven-day suspension of license and one year probation.

3rd violation: as determined by the council at an administrative hearing.

Notwithstanding anything stated in this section, the chief administrative officer may, if the circumstances of any violation or potential violation warrant immediate action, refer that violation or potential violation to the city council for a hearing pursuant to section 6-74.

- (d) If there is a violation during a probation period, the licensee shall be penalized as designated in the next step of the penalty schedule plus an additional seven-day penalty period. Exception: Should a licensee not incur a violation during a 24-month period, the next violation shall be subject to the first violation penalty.

(Code 1980, § 3-70; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-72. Definitions.**

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

*Due cause* consists of the violation of any laws or ordinances of the state or the city regulating the sale or use of alcoholic beverages or illegal drugs, or violation of any regulations made pursuant to authority granted for the purpose of regulating such activities, or violation of any state or federal law, or violation of any city ordinance related to the sale or use of alcoholic beverages or illegal drugs.

(Code 1980, § 3-71; Ord. No. 1239, § 1, 8-21-2025)

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Cross reference(s)—Definitions generally, § 1-2.

**Sec. 6-73. Appeal.**

A licensee may appeal within ten days the action of the chief administrative officer to the city council and request a public hearing on the violation. Such hearing shall be held within 30 days following receipt of a written request from the licensee. Upon receipt of an appeal requesting a public hearing, the chief administrative officer shall delay the penalty pending the outcome of the public hearing.

(Code 1980, § 3-72; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-74. Hearing to be conducted by city council.**

The city council is authorized to conduct a hearing at any time when the council is on notice of a violation or potential violation of any local, state or federal regulation or law by a licensee, license representative, employee or owner of a licensed establishment in the city when such actual or potential violation would not constitute due cause for revocation, suspension or probation of the license. The licensee should be prepared to prove or show evidence of all business practices and procedures instituted to ensure compliance with this chapter and state law. The council inquiry may include, but is not limited to:

- (1) Employment standards of the licensee.
- (2) Employee direction/supervision.
- (3) Sales procedures.
- (4) Training program (initial, recurrent, verification).
- (5) Enforcement check reports.
- (6) Previous violations.
- (7) Any other ordinance deemed relevant to the violation that is the subject of the hearing.

(Code 1980, § 3-73; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-75. Procedure; right to counsel; cross examination of witnesses.**

- (a) When a hearing is to be conducted by the city council, notice shall be sent to either the licensee or license representative personally or by certified mail at least 15 days, but not more than 45 days prior to hearing date. Notice shall state the time, place and purpose of the hearing. The times shall be counted from the date of receipt of notice by the licensee or license representative.
- (b) The licensee shall be entitled to have counsel present at any hearing brought to inquire into suspension, revocation or probation of a license, and shall have the right to cross examine witnesses against him, and to produce evidence in his own behalf.

(Code 1980, § 3-74; Ord. No. 1239, § 1, 8-21-2025)

**Secs. 6-76—6-105. Reserved.**

***ARTICLE III. OPERATING REGULATIONS AND RESPONSIBILITIES***

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**Sec. 6-106. Sales on licensed premises.**

Only those individuals who are agents, clerks or employees of the licensee shall handle, sell or serve alcoholic beverages on a licensed premises.

(Code 1980, § 3-29; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-107. Sale to intoxicated person forbidden.**

Alcoholic beverage licensees and their agents, clerks and employees are prohibited from selling, bartering, exchanging, giving, providing or furnishing any alcoholic beverage to any person who is in a noticeable state of intoxication.

(Code 1980, § 3-30; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-108. Possession of opened alcoholic beverage containers on streets and cart paths prohibited; exceptions.**

No person shall have in their possession any opened or unsealed alcoholic beverage container in any motor vehicle on public streets and cart paths in the city, except for the removal of partially consumed bottles of wine as permitted by O.C.G.A. § 3-6-4.

(Code 1980, § 3-30.1; Ord. No. 974, § 1, 6-18-2009; Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 974, § 1, adopted June 18, 2009, changed the title of section 6-108 from "Possession of opened alcoholic beverage containers on streets and cart paths prohibited" to "Possession of opened alcoholic beverage containers on streets and cart paths prohibited; exceptions." The historical notation has been preserved for reference purposes.

**Sec. 6-109. Furnishing alcoholic beverage to persons under 21 years of age.**

- (a) Alcoholic beverage licensees and their agents, clerks and employees are prohibited from furnishing, or causing to be furnished, any alcoholic beverage to persons under 21 years of age.
- (b) No one under 21 years of age shall purchase, consume or knowingly have in his possession any alcoholic beverage except as permitted in this section.
- (c) No one under 21 years of age shall misrepresent his age in any manner for the purpose of obtaining illegally any alcoholic beverage.
- (d) The prohibition contained in subsection (a) of this section shall not apply when a person under 21 years of age misrepresents his age for the purpose of obtaining an alcoholic beverage, and furnishes identification document issued by a governmental agency, which includes a photograph of the person, and which shows the person's date of birth prior to the date of purchase to be equal to or more than 21 years of age.
- (e) The prohibitions contained in this section shall not apply to the consumption of or furnishing of alcoholic beverages which are to be used for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state or which are to be consumed and used at a religious ceremony.

(Ord. No. 794, 10-17-2002; Ord. No. 1239, § 1, 8-21-2025)

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Editor's note(s)—Ord. No. 794, adopted October 17, 2002, repealed and reenacted § 6-109 to read as herein set out. Formerly, § 6-109 pertained to furnishing alcoholic beverages to minors and derived from the Code of 1980, § 3-31.

#### **Sec. 6-110. Minimum age for taking alcoholic beverage orders or check-out.**

- (a) No person may allow or require any person under 18 years of age to take an order for alcoholic beverages for on-premises consumption or to accept alcoholic beverages for check-out for off-premises consumption.
- (b) No person under 18 years of age may take an order for alcoholic beverages for on-premises consumption or accept alcoholic beverages for check-out for off-premises consumption.

(Code 1980, § 3-32; Ord. No. 794, 10-17-2002; Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 794, adopted October 17, 2002, changed the title from "minors" to "minimum age for taking alcoholic beverage orders or check-out." The provisions of § 6-110 remained unchanged.

#### **Sec. 6-111. Wholesale licensee prohibited from owning retail license.**

Any person having any financial interest in a wholesale license for the sale of alcoholic beverages shall be prohibited from having any interest in any other license under the terms of this chapter.

(Code 1980, § 3-33; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-112. Discrimination by wholesalers prohibited.**

A wholesaler may not discriminate between retail dealers as to quantity, quality or brands sold to the retail dealer, nor use any business technique so as to control the retail dealer's business and pricing policy or in any way interfere with the free enterprise operation of the retail dealer.

(Code 1980, § 3-34; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-113. Package sales prohibited in certain establishments; exceptions.**

The sale of alcoholic beverages by the package to be carried off the premises shall be prohibited in any restaurant, cafe, eating place, private club or in any establishment other than in a retail store or grocery store owning a retail license for the sale of alcoholic beverages to be consumed off the premises, except for the removal of partially consumed bottles of wine as permitted by O.C.G.A. § 3-6-4 or as set forth in section 6-1122 (e) for limited off-premises wine sales by licensed food service establishments.

(Code 1980, § 3-35; Ord. No. 974, § 2, 6-18-2009; Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 974, § 2, adopted June 18, 2009, changed the title of section 6-113 from "Package sales prohibited in certain establishments" to "Package sales prohibited in certain establishments; exceptions." The historical notation has been preserved for reference purposes.

#### **Sec. 6-114. Alcoholic beverage sales for cash only.**

- (a) All sales of alcoholic beverages shall be for cash upon sale. Sales on credit are specifically prohibited.

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- (b) The use of a credit card for the purchase of distilled spirits, malt beverages or wine shall not be prohibited provided such retail credit card represents an unqualified obligation to pay without recourse on the part of the person, institution or agency issuing such card.
  - (c) Hotels and motels licensed to sell alcoholic beverages shall not be prohibited from billing guests for such alcoholic beverages provided that payment is tendered at the time such guest or guests check out or leave such hotel or motel.
  - (d) The sale of alcoholic beverages by private clubs or lodges wherein all members pay all charges on a periodic basis shall not be prohibited provided the receivables from such transactions are promptly placed for collection consistent with sound business practices.
  - (e) The running of a "tab" at a licensed consumption premises shall not be prohibited provided the consumer pays all charges prior to departing the premises.

(Code 1980, § 3-36; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-115. Persons prohibited from interest in license.**

No employee of the city may hold an interest in a license issued under this chapter.

(Code 1980, § 3-37; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-116. Responsibility of owner of license.**

- (a) All alcoholic beverage licensees and license representatives shall be responsible for the acts and conduct of their employees, agents, clerks and salespersons while in the discharge of their duties and in the course of their employment.
- (b) Each licensee shall develop and implement comprehensive initial and recurrent training programs for all employees which will effectively impart to employees detailed knowledge of all aspects of state law and city ordinance requirements on the sale of alcoholic beverages. The initial training program shall be administered to each employee prior to the sale of any alcoholic beverages by such employee with recurrent training conducted thereafter on a periodic, as-needed basis.
- (c) Licensee shall provide all employees a personal copy of the training program and require each employee to sign a permanent record maintained by the licensee verifying that all initial and recurrent training has been administered, and specifically including an acknowledgement by each employee of such employee's having read and having an understanding of all requirements of state law and city ordinance requirements on the sale of alcoholic beverages. Such record shall be made available upon request for review by city officials.

(Code 1980, § 3-39; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-117. Sale of alcoholic beverage without city license.**

It shall be unlawful for any person to manufacture for sale, or possess for the purpose of sale, any alcoholic beverage where such person does not have a license from the city to sell or possess for sale such alcoholic beverage.

(Code 1980, § 3-40; Ord. No. 1239, § 1, 8-21-2025)

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**Sec. 6-118. Delivery by wholesaler to retailer.**

Alcoholic beverages shall be received at or delivered to the retail premises by no means other than by a conveyance owned and operated by wholesale dealer. Transportation of alcoholic beverages by any other means shall be grounds for revocation of retail license or wholesale permit, and shall be punishable by the municipal court as provided by the Charter.

(Code 1980, § 3-41; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-119. Opening of package on premises.**

No retail package dealer may allow or permit the opening of any package or the drinking of the contents on the premises where sold, except as authorized through a valid tasting permit and both the person violating this article, the licensee and the license representative allowing or permitting it to be done shall be guilty of an offense.

(Code 1980, § 3-42; Ord. No. 1039, § 3, 1-5-2012; Ord. No. 1051, § 4, 11-8-2012; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-120. Catering at hotel functions.**

Licensees for on-premises consumption outlets in hotels shall be permitted to cater hotel functions in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel provided such functions are catered in connection with a meeting, conference, convention or similar type of gathering at such hotel.

(Code 1980, § 3-42.1; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-121. In-room service, hotels.**

Any licensee operating a hotel, inn or other establishment that offers overnight accommodations to the public for hire may, if licensed by the state commissioner of revenue, provide in-room service in unbroken packages as "in-room service" is more fully defined and regulated in O.C.G.A. §§ 3-9-10—3-9-12.

(Code 1980, § 3-42.2; Ord. No. 1239, § 1, 8-21-2025)

**Sec. 6-122. Sale outside licensed premises or removal of alcoholic beverages dispensed on premises.**

- (a) Except as provided herein, it shall be unlawful for any sale of alcoholic beverages to be made outside of the premises licensed for such sale. All alcoholic beverages consumed on the premises of a retail consumption dealer shall be dispensed by that dealer.
- (b) Except as provided herein, any food service establishment which is licensed to sell distilled spirits for consumption on the premises may sell mixed drinks for off-premises consumption in approved containers, provided that such mixed drinks are:
  - (1) Sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entrée ordered;
  - (2) Accompanied by a food order and a sales receipt within a time stamp that indicates the date and time of such purchases;

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- (3) Sold for the personal use and not for resale and picked up in person by the same individual customer to whom the mixed drinks and entrees were sold and from whom the food service establishment received payment; provided, however, that such individual customer shall not include a delivery service or third-party agent; and
  - (4) Furnished with the accompanying food order [of] the customer on the premises or by way of curbside-pick-up.
- (c) For golf club facilities, "licensed premises" includes not only the room wherein alcoholic beverages are sold or served but shall also include the entire building where the room is located and the entire boundary of the golf course except parking lots, alleyways, public streets, public multi-use paths including paths shared with the public, and lakes. Patrons may consume the same on the licensed premises as defined above, and the following provisions shall apply:
- (1) Golf clubs shall clearly mark areas where the course intersects public streets and public multi-use paths with signs reading "Public Way—Open Containers of Alcohol Prohibited."
  - (2) Golf club staff may not sell alcohol within the prohibited distances outlined in section 6-39.
- (d) The Frederick Brown, Jr. Amphitheater permits alcoholic beverages to be brought to the amphitheater by persons attending the activity where alcohol is permitted according to subsection 54-7(1).
- (e) Unopened wine bottle sales by on-premises consumption license holders. Any food service establishment or other retail consumption dealer duly licensed by the city and the state for the sale and service of alcoholic beverages for on-premises consumption may sell unopened bottles of wine for off-premises consumption, subject to the following conditions:
- 1. The establishment shall hold a valid city retail consumption license and corresponding state license authorizing the sale and/or service of wine.
  - 2. Sales shall be limited to unopened, sealed bottles of wine at retail prices, and shall comply with all state laws governing retail alcohol sales, including packaging and age verification requirements.
  - 3. Such sales shall only occur during hours when on-premises sales are otherwise permitted under Sec. 6-123.
  - 4. Nothing herein shall authorize the sale of distilled spirits, malt beverages, or any container other than unopened bottles of wine for off-premises consumption.
  - 5. The licensee remains responsible for ensuring that any off-premises wine sales are properly documented and reported in accordance with Sec. 6-46 (Excise tax) and other applicable state laws.

(Ord. No. 923, § 3, 12-6-2007; Ord. No. 1077, § 3, 5-1-2014; Ord. No. 1202, § 1, 10-6-2022; Ord. No. 1239, § 1, 8-21-2025)

Editor's note(s)—Ord. No. 923, § 3, adopted December 6, 2007, amended § 6-122 in its entirety to read as herein set out. Formerly, § 6-122 pertained to removal of alcoholic beverages dispensed on premises, and derived from the Code of 1980, § 3-43.

### **Sec. 6-123. Hours of sale; quarterly report of gross sales.**

- (a) No alcoholic beverage may be sold by the package between midnight and 12:30 p.m. on Sunday.
- (b) The sale of alcohol by establishments holding licenses to sell alcohol by the drink must comply with the following criteria:
  - (1) No beer, malt beverages, wine, or distilled spirits shall be sold, dispensed, delivered, or given away to any person from 2:00 a.m. until 7:00 a.m. Monday through Saturday.

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- (2) No beer, malt beverages, wine, or distilled spirits shall be sold, dispensed, delivered, or given away to any person and from 2:00 a.m. to 11:00 a.m. on Sunday.
  - (3) Last call for any alcoholic beverage can only comprise of one regular drink per person and any such sale must be completed by 1:55 a.m. All customers of the licensee must leave the premises not later than 2:30 a.m.
  - (4) In order to promote a safe environment and to protect customers, owners, and employees of licensees, all licensees that serve alcoholic beverages between the hours of 12:00 midnight and 2:00 a.m. on any day will be required to install and properly maintain digital video equipment that will be able to record and monitor the primary customer entrance and the primary employee entrance of the licensed premises. This equipment shall be able to view, record, and clearly identify individuals that enter and leave said establishments and shall be capable of producing a retrievable image on film or tape that can be made a permanent record and enlarged through projection or other means.

All establishments with the exception of motels/hotels that serve alcoholic beverages shall be required to monitor and record the parking area closest to the primary entrance of the establishment. In the event that law enforcement needs to review an incident that occurred at the establishment, the law enforcement officer will be given immediate access to view and/or copy the recordings if so requested by said law enforcement officer. Such equipment shall be maintained in proper working order at all times and shall be subject to periodic inspection by the chief of police or his designee. If the police department is called to the licensed premises for an incident, the film or tape recording such event shall immediately be made available to the chief of police or his designee. All films, tapes, or images required by this Code section shall be retained by the licensee, in its original, viewable format, for a period of no less than 30 days after recording.

Those establishments which qualify under subsection (c) of this section may reopen at 11:00 a.m. on Sunday.

- (c) Alcoholic beverages may be sold on Sunday for consumption on premises from 11:00 a.m. to 12:00 midnight in those licensed establishments deriving at least 50 percent of annual gross sales from the sale of food provided food is available with a menu for sale and consumption. Such establishments having more than one license may sell alcoholic beverages in all licensed outlets. Further, any licensed establishment deriving at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may sell alcoholic beverages on Sunday for consumption on premises from 11:00 a.m. to 12:00 midnight.

The license holder shall provide the city a quarterly report showing the gross sales of food service, gross sales of room rental and gross sales of alcoholic beverages. This report shall be made on a form and in a manner prescribed by the city clerk.

- (d) The sale of alcoholic beverages on election day within 250 feet of a polling place during such time as the polls are open is prohibited.

(Code 1980, § 3-44; Ord. No. 1023, § 1, 3-17-2011; Ord. No. 1037, § 1, 11-17-2011; Ord. No. 1157, § 1, 11-15-2018; Ord. No. 1239, § 1, 8-21-2025)

## **Sec. 6-124. Person not to be issued more than two retail licenses.**

No person shall have an interest in nor be issued more than two package dealer (distilled spirits) licenses.

(Code 1980, § 3-45; Ord. No. 1239, § 1, 8-21-2025)

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### **Sec. 6-125. Right of inspection by mayor or council.**

It shall be the duty of all alcoholic beverage licensees to maintain books and records of gross receipts, invoices of alcoholic beverages received, cost of items and inventory, and to make them readily available for inspection by the mayor or by the council whenever in their judgment such inspection may be necessary.

(Code 1980, § 3-46; Ord. No. 1239, § 1, 8-21-2025)

### **Sec. 6-126. Enforcement.**

- (a) Police or code enforcement officials may conduct periodic enforcement checks of all licensed establishments. Such checks may include but not be limited to:
  - (1) Surveillance by plainclothes and/or uniformed officers to confirm compliance with state law and city ordinance.
  - (2) Purchase of alcoholic beverages by a young adult (21 years of age or older) to determine if identification is being checked to confirm legal age.
  - (3) Administer to employees an on-the-spot written test on this chapter.
  - (4) Attempted purchase of alcoholic beverages by a minor (20 years of age or younger) to ensure compliance with state laws and city ordinances.
- (b) Based on the results of the checks, the police chief or their designee may conclude that employees of the licensee are not following proper alcoholic beverage sales procedures to ensure compliance with the law and/or do not possess adequate knowledge of the law based on the results of the test administered by police or code enforcement officials. When this is the case, the police chief shall ensure that a follow-up check is conducted within 30 days.
- (c) The police chief or their designee shall forward to the city clerk within five working days a report of each enforcement check containing the details of the check, to include sales procedures, identification card checks, test results, etc. Based on the report, the city clerk will either:
  - (1) Meet with the licensee and/or license representative to discuss the report and necessary corrective actions. A copy of the report shall be provided the licensee and also a copy retained in the licensee's official city file.
  - (2) Forward a congratulatory letter to the licensee advising that there appears to be an effective alcoholic beverage sales program in place based on the police enforcement check report. A copy of the letter shall be retained in the licensee's official city file.

(Code 1980, § 3-47; Ord. No. 1239, § 1, 8-21-2025)

### **Sec. 6-127. Reserved.**

Editor's note(s)—Ord. No. 1177, § 3, adopted Feb. 20, 2020, repealed § 6-127, which pertained to alcoholic beverage handling permits and derived from Ord. No. 829, adopted May 20, 2004; Ord. No. 943, § 1, adopted May 15, 2008; Ord. No. 987, § 1, adopted Sep. 17, 2009; and Ord. No. 1040, § 1, adopted Jan. 19, 2012.

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## **Sec. 6-128. Reserved.**

Editor's note(s)—Ord. No. 1177, § 3, adopted Feb. 20, 2020, repealed § 6-128, which pertained to alcoholic beverage handling permit revocation proceedings and derived from Ord. No. 829, adopted May 20, 2004; Ord. No. 943, § 2, adopted May 15, 2008; and Ord. No. 987, § 2, adopted Sep. 17, 2009.

## **Sec. 6-129. Possession to give away in order to induce trade.**

It shall be unlawful for any person to keep on hand for the purpose of giving the same away to induce trade, any fermented beverages made in whole or in part from malt, or any similar fermented beverages, wine or distilled spirits that contain more than one-half of one percent of alcohol by volume.

(Ord. No. 923, § 3, 12-6-2007; Ord. No. 1239, § 1, 8-21-2025)

## **Sec. 6-130. Brown bagging, brown bag establishments prohibited; exceptions.**

- (a) Except as provided herein, "brown bagging" and "brown bag establishments" as defined in this chapter shall be prohibited within the city.
- (b) Exceptions. The foregoing prohibition in subsection (a) of this section is subject to the following specific exceptions:
  - (1) Furnishing of wine by a patron of a restaurant. Any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to bring into the restaurant one unopened bottle of wine for consumption on the premises. In order for this provision to apply, the restaurant must establish a policy for permitting same and must charge a minimum corkage fee of \$10.00 per bottle. Nothing in this section shall be deemed to require a restaurant to allow brown bagging. Any wine not consumed at a restaurant shall be disposed of at the premises and not carried out in an open container except for the removal of partially consumed bottles of wine as permitted by O.C.G.A. § 3-6-4(c). The Frederick Brown, Jr. Amphitheater permits alcoholic beverages to be brought to the amphitheater by persons attending the activity where alcohol is permitted according to subsection 54-7(1).

(Ord. No. 923, § 3, 12-6-2007; Ord. No. 1202, § 1, 10-6-2022; Ord. No. 1239, § 1, 8-21-2025)

## **Secs. 6-131—6-160. Reserved.**

# ***ARTICLE IV. TAXATION OF BEVERAGES BY THE DRINK<sup>3</sup>***

## **Sec. 6-161. Definitions.**

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

*Agent* means the license representative.

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<sup>3</sup>Cross reference(s)—Taxation, ch. 74.

State law reference(s)—Authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-130.

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*Drink* means any alcoholic beverage served for consumption on the premises which may or may not be diluted by any other liquid.

*Monthly period* means the calendar months of any year.

*Purchase price* means the consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction whatsoever.

*Purchaser* means any person who orders and gives present or future consideration for any alcoholic beverages by the drink.

*Tax* means the tax imposed by this article.

(Code 1980, § 3-80; Ord. No. 1239, § 1, 8-21-2025)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 6-162. Tax levied.**

There is imposed and there shall be paid a tax of three percent of the purchase price of every sale of an alcoholic beverage (but not including malt beverages, fermented wines or fortified wines) purchased by the drink in the city. Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. §§ 3-4-130—3-4-133.

(Code 1980, § 3-81; Ord. No. 1202, § 2, 10-6-2022; Ord. No. 1239, § 1, 8-21-2025)

### **Sec. 6-163. Collection of tax; information to city.**

Every licensee or his agent is authorized and directed to collect the tax imposed in this article from purchasers of alcoholic beverages (but not including malt beverages, fermented wines or fortified wines) by the drink sold within his licensed premises. Such licensee or his agent shall furnish such information as may be requested by the city to facilitate the collection of this tax.

(Code 1980, § 3-82; Ord. No. 1239, § 1, 8-21-2025)

### **Sec. 6-164. Payment of tax by licensee; collection fee.**

- (a) *Due date of taxes.* All taxes collected by any licensee or agent under this article shall be due and payable to the city on or before the 20th day of every month next succeeding each respective monthly period as set forth in this article.
- (b) *Return; time of filing; persons required to file; execution.* On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the city clerk in such form as the city may prescribe, by every licensee or agent liable for the payment of tax under this article.
- (c) *Delivery of return and remittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due, to the City Clerk, City Hall, Peachtree City, GA 30269.
- (d) *Collection fee allowed licensees or agents.* Licensees or agents collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of deduction shall be the same rate authorized by O.C.G.A. § 3-4-133.

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(Code 1980, § 3-83; Ord. No. 794, 10-17-2002; Ord. No. 906, § 2, 9-6-2007; Ord. No. 1001, § 3, 6-3-2010; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-165. Deficiency determinations.**

- (a) *Recomputation of tax; authority to make; basis of recomputation.* If the city clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any person, the city clerk may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One or more than one deficiency determinations may be made of the amount due for one or more than one monthly period.
- (b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction of a month, from the 20th day after the close of the monthly period for which the amount or any portion should have been returned, until the date of payment.
- (c) *Offsetting of overpayments.* In making a determination, the city clerk may offset overpayments; for a period or periods, against underpayments; for another period or periods, against penalties; and against the interest on underpayments. The interest on overpayments shall be computed in the manner set forth in subsection 6-166(c).
- (d) *Penalty; negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of 15 percent of the amount of such deficiency shall be added.
- (e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination has been made is due to fraud or an intent to evade any provision of this article or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added, in addition to the 15 percent penalty provided in subsection (d) of this section.
- (f) *Notice of city clerk's determination; service of.* The city clerk or his designated representative shall give to the licensee written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the city clerk. In the case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States Post Office.
- (g) *Time within which notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 10th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

(Code 1980, § 3-84; Ord. No. 794, 10-17-2002; Ord. No. 1001, § 4, 6-3-2010; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-166. Determination if no return made.**

- (a) *Estimate of gross receipts.* If any licensee fails to make a return, the city clerk shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in the city which are subject to the tax. The estimate shall be made for the periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the city clerk. Upon the basis of this estimate, the city clerk shall compute and determine the amount required to be paid to the city, adding to the sum thus determined a penalty equal to 15 percent. One or more determinations may be made for one or for more than one period.

- 
- (b) *Manner of computation; offsets; interest.* In making a determination, the city clerk may offset overpayments for periods against the interest, penalties or underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) of this section.
  - (c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction of a month, from the 10th day of the month following the monthly period, for which the amount or any portion should have been returned, until the date of payment.
  - (d) *Penalty for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added in addition to the 15 percent penalty provided in section 6-167.
  - (e) *Giving of notice; manner of service.* Promptly after making his determination, the city clerk shall give to the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

(Code 1980, § 3-85; Ord. No. 794, 10-17-2002; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-167. Penalties and interest for failure to pay tax.**

Any person who fails to pay the tax imposed in this article to the city or fails to pay any amount of such tax required to be collected and paid to the city within the time required shall pay a penalty in the amount of 15 percent of the tax plus interest on the unpaid tax or any portion of the tax as set forth in section 6-166(c).

(Code 1980, § 3-86; Ord. No. 1239, § 1, 8-21-2025)

#### **Sec. 6-168. Administration; enforcement; rules; records; confidentiality of reports.**

- (a) *Authority of the city clerk.* The city clerk shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.
- (b) *Rules and regulations.* The city clerk shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state, or the constitution of this state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes under this article.
- (c) *Records required from licensee; form.* Every licensee for the sale of alcoholic beverages by the drink in the city shall keep such records, receipts, invoices and other pertinent papers in such form as the city clerk may require.
- (d) *Examination of records; audits.* The city clerk or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (e) *Authority to require reports; contents.* In the administration of the provisions of this article, the city clerk may require the filing of reports by any person or class of persons having in such person's possession or custody information relating to the sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the city clerk and shall set forth the price charged for each sale, the dates of such sales, and such other information as the city clerk may require.

(Code 1980, § 3-87; Ord. No. 1239, § 1, 8-21-2025)

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**Sec. 6-169. Penalties.**

Any person found guilty of violating any of the provisions of this article shall be deemed guilty of a misdemeanor offense and upon conviction in the municipal court shall be punished as provided in section 1-11. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person, and shall be punished accordingly.

(Code 1980, § 3-88; Ord. No. 1239, § 1, 8-21-2025)

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Angela Egan, Purchasing Manager 12/03/2025  
Harold Layton 12/04/2025  
Dustin Farron, Assistant Financial & Administrative Services Director 12/04/2025  
Kelly Bush, Financial & Administrative Services Director 12/04/2025  
Chris Hobby, Assistant City Manager 12/04/2025  
Justin Strickland, City Manager 12/04/2025

**DATE:** December 11, 2025

**SUBJECT:** 11-25-08 FY26 Budget Amendment- Sprung Structure for Kedron Aquatic Center

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**Recommendation:**

Approve the design phase of the project.

**Discussion:**

Staff was instructed by Council to evaluate the Kedron Aquatic Center pool area for the installation of a permanent structure over the pools. Staff reached out to Sprung Structures, a manufacturer of advanced tensioned fabric structures, to conduct a preliminary evaluation of our site for applicability. Sprung indicated that it would be feasible to build their fabric structure in this scenario faster and more economical than a conventional structure.

However, there are complex site issues that create some challenges to our particular scenario. For example:

- Non-rectangular layout of pools
- Proximity of existing buildings/modified Sprung design
- Unknown location of all water circulation lines
- Unknown location of electrical lines
- Unknown loads on the existing foundation of the current seasonal inflated structure

Due to the very complex nature of this type of installation, staff reached out to WM2A

Architects to help develop a scope of work for the design of this project (Scope and Fee attached). WM2A comes highly recommended from previous work engaging with Carter and Sloope Consulting Engineers. WM2A met with staff on-site to inspect the entire area and go over all the needed disciplines to be included in the design and construction. With all the aspects of a new building to be considered, the design involves everything from architectural services, to mechanical, electrical, plumbing, fire protection, geotechnical, civil and structural.

The design fee and scope of work are attached. The final cost of the project is estimated to be approximately \$4.5 million with a recommended budget of \$5 million. Staff will be available to answer any questions.

**Budget Impact:**

Cost of Design is \$247,500.

**Attachments:**

1. FY2026 Budget Amendments 26-07 Kedron Sprung
2. 2025-074 - WM2A Fee Proposal with SOW\_10.13.25
3. Kedron Pool Survey map

[illegible]



Trey Wood, AIA  
Bill McLees, AIA  
Yancey Powers, AIA  
Brandon Fairbanks, AIA

24 September 2025

Attn: Mr. Chris Hobby

Re: **Kedron Aquatics Pool Enclosure and Renovation**, Peachtree Cit, GA  
WM2A Job No. 2025-074

Dear Chris,

WM2A Architects is pleased to offer the following proposal for architectural and engineering services for the design and construction of new pool enclosures and pool deck as described in the previously provided scope of work document. Effective January 1<sup>st</sup> 2026, Georgia will be adopting updated building codes, so this project will be designed to those requirements from the start.

**Services provided will include:**

- **Architectural,**
- **Civil engineering**
- **Structural engineering**
- **Mechanical engineering**
- **Electrical engineering**
- **Plumbing engineering**
- **Fire Protection engineering**
- **Engineering for the Sprung structure**
- **Geotechnical Engineering**
- **Site Survey with utility locate and GPR**
- **Bid opening assistance (if desired)**
- **Construction administration**

**Services will be provided for a lump sum fee of \$247,500.00**

Macon Office  
348 Cotton Avenue  
Suite 500  
Macon, GA 31201  
478.745.4945

Virginia Office  
408B North Main Street  
Hillsville, VA 24343  
276.266.3356



Trey Wood, AIA  
Bill McLees, AIA  
Yancey Powers, AIA  
Brandon Fairbanks, AIA

If the above proposal is acceptable, we will begin to draft a standard AIA contract document (series number TBD) for your review and approval. It will outline deliverable milestones as well as timeline and fee structure. If Peachtree City has a standard contract that they prefer to use, please send over a copy to be reviewed.

Throughout the process, digital drawings and specifications will be available via Share Point for all to view. Hard copy drawings will be available upon request

Sincerely yours,

**WM2A ARCHITECTS**

A handwritten signature in blue ink, appearing to read 'B. Fairbanks', with a long horizontal stroke extending to the right.

Brandon Fairbanks, AIA,

Macon Office  
348 Cotton Avenue  
Suite 500  
Macon, GA 31201  
478.745.4945

Virginia Office  
408B North Main Street  
Hillsville, VA 24343  
276.266.3356



Trey Wood, AIA  
Bill McLees, AIA  
Yancey Powers, AIA  
Brandon Fairbanks, AIA

23 September 2025

Attn: Mr. Chris Hobby

Re: **Kedron Aquatics Pool Enclosure and Renovation**, Peachtree Cit, GA  
WM2A Job No. 2025-074

Dear Chris,

Per our discussion during our site visit on August 15<sup>th</sup> 2025, WM2A is pleased to provide scope of services below for the renovation at the Kedron Aquatics Center. Please review this document and let us know if you have any questions, comments or adjustments to the scope. Following approval of this scope of work a fee proposal will be provided for full A/E services and construction administration. If you have a preference regarding fee structure for design service, please let us know and we can accommodate.

**Base Bid:**

The base bid for this project is to include all signed and sealed architectural and engineering contract documents necessary to capture the following:

- The removal of the existing pool deck, grade beam, and built-up tile and plaster layers in each of the (2) existing pools.
- Removal of all existing, abandoned utilities below the pool deck
- Design of structural design for the foundation of a new pre-engineered structure.
- Design of a new pool deck to tie into existing pools.
- Provide new pool plaster and/or tiling and line painting.
- Preparation of a Statement and Schedule of Special Inspections per IBC requirements.
- Architectural and engineering coordination with pre engineered manufacture to ensure compliance with all adopted state and local codes including but not limited to life safety analysis, Comcheck report and providing power to pre engineered lighting package.
- Stormwater design for existing downspouts at the pool deck and new runoff created by the pre-engineered structure.

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Trey Wood, AIA  
Bill McLees, AIA  
Yancey Powers, AIA  
Brandon Fairbanks, AIA

- Provide a new pool conditioning unit to cool and heat the new pool enclosure interior. This new unit will connect to the integral pool building ductwork for distribution inside the structure.
- Provide power to a new integral building distribution panel. It is anticipated that the building is pre wired with convenience receptacles and lighting.
- Provide a new grounding system for the new metal building, ensuring it is continuous and on the same grounding plane as the existing pool structure.
- Where the existing pool deck is removed to support the new building, extend the grounding system to keep it continuous
- Where the existing in pool lighting is removed, provide new LED pool lighting designed for the application
- Provide conduit pathways from the new building into the existing to support Owner provided cameras and wireless access points
- Extend the existing fire alarm system to cover new signal and notification devices inside the new building
- Provide hose bibbs around the perimeter of the new pool building enclosure as required
- Review and addressing of all plan review comments.
- Provide geotechnical engineering and utility locate to coordination with structural engineering for foundation design. Scope boundary attached.
- Provide as-built survey and additional utility locate via ground penetrating radar (GPR). Scope boundary attached
- Coordination by the Architect between all disciplines necessary to provide all aforementioned deliverables.

#### **Bidding/ Procurement:**

- Provide assistance as requested with bid opening or tabulation.

#### **Construction Administration:**

Construction Administration services for this project will include

- Review of all shop drawings and submittals
- Participation in contractor led OAC meetings
- Site walkthroughs by Architect of record (Frequency TBD) including generation of field reports and pay application review.
- Punch inspection and final inspections from each discipline.

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Trey Wood, AIA  
Bill McLees, AIA  
Yancey Powers, AIA  
Brandon Fairbanks, AIA

**Delete Alternates:**

- Reuse of the existing foundation - Analysis of the existing foundation details will be conducted and to the extent possible, the existing foundation will be reused with modifications.
- The existing pool deck will remain. Disturbance will be limited to areas where new or supplemented foundations are necessary.
- The existing pools will be existing-to-remain. No removal of existing materials or providing new plaster/tiling.

Sincerely yours,

**WM2A ARCHITECTS**

A handwritten signature in blue ink, appearing to read 'B. Fairbanks', with a long horizontal stroke extending to the right.

Brandon Fairbanks, AIA,

Macon Office  
348 Cotton Avenue  
Suite 500  
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478.745.4945

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Hillsville, VA 24343  
276.266.3356



# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

---

**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:**

|                                                                       |            |
|-----------------------------------------------------------------------|------------|
| Angela Egan, Purchasing Manager                                       | 12/04/2025 |
| Dustin Farron, Assistant Financial & Administrative Services Director | 12/04/2025 |
| Kelly Bush, Financial & Administrative Services Director              | 12/04/2025 |
| Chris Hobby, Assistant City Manager                                   | 12/04/2025 |
| Justin Strickland, City Manager                                       | 12/04/2025 |

**DATE:** December 11, 2025

**SUBJECT:** 12-25-01 Extension of Mechanical Services Agreement

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### **Recommendation:**

Approve a one-year (January 2026 - December 2026) extension of the maintenance agreement with Shumate Mechanical in the amount of \$177,500.

### **Discussion:**

Shumate Mechanical was originally awarded the HVAC maintenance contract by Council around the year 2000. Since awarding this contract, the City has received excellent service from Shumate, which includes preventative, routine, on-call and emergency services. Shumate also fulfills the City requirement to hold Trane's Applied Systems Contractor Certification and remains one of the only three vendors in the metro area to continue to hold this status. In addition, Shumate has excellent knowledge of the history (~25 years) of all City facilities and equipment. Most recently, their expertise in boilers, pump systems, and control system software proved invaluable in commissioning the new boiler system for the Kedron bubble.

Therefore, Staff is recommending that we continue to use Shumate Mechanical for HVAC maintenance from now until the end of September 2026 based on their experience and excellent service. In addition, **their price of \$177,500 reflects no increase from 2024.**

### **Budget Impact:**

The cost of these services has been budgeted in the Building Maintenance Department.

### **Attachments:**

None

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Tyler Runyon, Convention and Visitors Bureau      12/04/2025  
Executive Director  
Justin Strickland, City Manager      12/05/2025

**DATE:** December 11, 2025

**SUBJECT:** 12-25-02 FY26- CVB Budget Amendment- Vehicles

---

**Recommendation:**

Approve the purchase of up to two vehicles and wraps to not exceed \$100,000.

**Discussion:**

This item is to replace the current CVB vehicle with the option to add a second vehicle. Both vehicles would be wrapped. This item was approved on November 19th by the CVB board on a 4-0 vote in favor. This item is coming before council in compliance with CVB bylaws 13.1.a. Vehicles will be purchased through the CVB Fund.

**Budget Impact:**

None to the City. CVB Reserve Fund

**Attachments:**

None

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

---

**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Teaa Allston-Bing, Director - Human Resources & Risk Management 12/05/2025  
Matt Myers, Assistant Police Chief 12/05/2025  
Dustin Farron, Assistant Financial & Administrative Services Director 12/05/2025  
Justin Strickland, City Manager 12/05/2025

**DATE:** December 11, 2025

**SUBJECT:** 12-25-03 Part-Time Occupant Protection Specialist - Police Department

---

**Recommendation:**

Approve to establish a part-time Occupant Protection Specialist position within the Police Department.

**Discussion:**

Currently, the agency does not have a certified car seat installation instructor or staff able to oversee child passenger safety training and grant procurement. This resource was previously available from another government agency, but will no longer be available in 2026.

Creating a part-time Occupant Protection Specialist position will ensure continuity of child safety seat services and enhance the agency's capacity to:

- Provide life-saving education on proper use of child safety seats, booster seats, and seat belts.
- Conduct car seat check events and one-on-one installation assistance for caregivers.
- Reduce preventable injuries and fatalities among children and adult vehicle occupants.
- Strengthen community trust and engagement by offering an evident, proactive safety service.
- Ensure compliance with grant opportunities, increasing the agency's eligibility for occupant protection and highway safety funding.

This position not only fills a gap but aligns with state and national roadway injury prevention strategies.

**Budget Impact:**

The position is proposed as part-time, with less than 100 projected annual work hours, resulting in minimal fiscal impact that can be absorbed within the existing police department's FY 2026 part-time salaries budget.

**Attachments:**

1. CPS Job Description



## **JOB DESCRIPTION**

|                               |                                       |
|-------------------------------|---------------------------------------|
| <b>Title:</b>                 | <b>Occupant Protection Specialist</b> |
| <b>Division:</b>              | <b>Police</b>                         |
| <b>Department:</b>            | <b>Police</b>                         |
| <b>Job Code:</b>              | <b>PD/17</b>                          |
| <b>Level:</b>                 | <b>N/A</b>                            |
| <b>Eligible for Overtime:</b> | <b>Yes</b>                            |
| <b>Reports To:</b>            | <b>Police Sergeant</b>                |
| <b>Prepared By:</b>           | <b>Director, Human Resources</b>      |
| <b>Prepared Date:</b>         | <b>November 21<sup>st</sup>, 2025</b> |

### **I. POSITION SUMMARY**

The Occupant Protection Specialist is responsible for enhancing community safety by promoting the correct use of occupant restraints for children and adults. This role provides expert-level education, coordinates safety programs, engages the public through outreach events, and evaluates the effectiveness of safety initiatives aimed at reducing preventable injuries and fatalities caused by motor vehicle crashes. The specialist serves as a subject matter resource for caregivers, educators, healthcare partners, law enforcement, and community members.

### **II. ESSENTIAL FUNCTIONS**

#### **1. Life-Saving Education & Training**

Deliver professional training, guidance, and hands-on demonstrations regarding the correct selection, installation, and use of child passenger safety seats, booster seats, and adult seatbelts.

Maintain certification as a Child Passenger Safety Technician Instructor (CPST-I).

Provide one-on-one instruction to caregivers, adapting education to meet diverse knowledge levels, cultural backgrounds, and learning styles.

Create accessible educational materials, presentations, and safety resources for public distribution.

## **2. Program Coordination & Implementation**

Act as the liaison between the lead agency, coalition membership, Safe Kids Worldwide, and Safe Kids State Office, if one exists;

Ensure consistent and proper communication between all parties. Report and present coalition progress, successes, and program findings to lead agency, coalition membership, Safe Kids Worldwide, and Safe Kids State Office. Ensure the requirements of each party are met by the coalition;

Coordinate schedules, budgets, promotional materials, and reporting requirements for associated grants and contracts.

Collaborate with law enforcement, healthcare providers, early childhood educators, and partner agencies to expand program reach.

Ensure compliance with all applicable laws, certification standards, and grant guidelines.

## **3. Community Outreach & Engagement**

Organize and host community-based car seat inspection events, safety workshops, health fairs, and awareness campaigns.

Conduct car seat checks in accordance with CPS technical standards, documenting installations and corrective actions performed.

Serve as a public ambassador for occupant protection efforts, fostering trust and engagement with parents, caregivers, and community stakeholders.

Provide on-site consultations at hospitals, schools, community centers, and partner agency locations.

## **4. Assessment, Data Collection & Reporting**

Track participation, service outcomes, and safety intervention data to evaluate program impact and efficiency.

Prepare detailed reports for internal leadership, grant oversight agencies, and coalition partners, ensuring timely and accurate submissions.

Contribute recommendations for program improvement and community safety strategies based on data analysis.

### **III. QUALIFICATIONS**

The qualifications listed below represent the credentials necessary to perform the essential functions of this position. To be successful in this position, an individual must be able to perform each essential duty satisfactorily. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

#### **A. Education and/or Experience**

Knowledge and level of competency commonly associated with basic skills typically associated with a high school education.

#### **B. Knowledge/Skills/Abilities**

Must possess skills in public relations.

Must possess excellent customer service skills, having the ability to deal with different personalities and possible conflict in a professional, calm manner.  
Skill in oral communications.

Ability to operate a computer and general office equipment.

#### **C. Certificates/Licenses/Registrations**

Certified Child Passenger Safety Technician Instructor (CPST-I) or the ability to obtain certification within six months of hire.

### **IV. WORKING CONDITIONS**

#### **A. Physical Demands**

The position is sometimes performed while sitting at a desk or table, or while sitting, standing, or stooping intermittently.

The work is typically performed during the installation of a car seat.

#### **B. Work Environment**

Working outdoors often within the confines of motor vehicles.

### **C. Travel Requirements**

Not be required to travel.

**SUMNER | MEEKER**  
LLC  
ATTORNEYS AT LAW

THEODORE P. MEEKER, III

14 EAST BROAD STREET  
NEWNAN, GEORGIA 30263

TELEPHONE 770-251-1750  
FACSIMILE 770-251-1770  
tmeeker@numail.org

TO: City Council  
Peachtree City, Georgia

FROM: Theodore P. Meeker, III   
City Attorney

DATE: December 4, 2025

RE: Release of Easement in favor of former Development Authority

---

The initial construction of the NCR facility was initiated by the transfer of property by the former Peachtree City Development Authority ("PCDA") to NCR in 1988. A copy of that deed is attached. The deed included language reserving an easement for ingress/egress in favor of PCDA. A survey showing the location of that ingress/egress easement is attached to this memo, with a larger copy of the easement area. The easement area on both documents is highlighted in yellow.

The property at issue is now owned by NCR. The western boundary of the parcels is railroad right-of-way. A copy of the tax map is also attached.

As a part of a land transfer, the current owner is requesting that the ingress/egress rights be terminated. The proposed document to be approved by Council is attached for your consideration.

PCDA was dissolved by a former City Council. If a city development authority is dissolved, O.C.G.A. § 36-62-14(c) provides that all assets and debts and rights and obligations of the former authority shall devolve to the parent municipality. Accordingly, the decision to terminate the easement rights is properly before the City Council.

Motions to be considered:

1. Motion to approve the Termination of Easement as set forth in the Agenda packet; or
2. Motion to deny the Termination of Easement as set forth in the Agenda packet.

TPM/jm  
Attachments

GEORGIA, FAYETTE COUNTY.

For and in consideration of the sum of

Eight Thousand Three Hundred Eighty-five and eighty-four one-hundredth

(\$8,385.84)

Dollars,

in hand paid, the receipt of which is hereby acknowledged, Development Authority of Peachtree City

P. O. Box 2301, Peachtree City

of the county of Fayette, State of Georgia, do hereby give, grant, sell, alien and convey unto NCR Corporation (formerly The National Cash Register Company)

200 Highway 74 South, Peachtree City,

of the county of Fayette, State of Georgia 30269

heirs and assigns, the following property, to-wit:

All that tract or parcel of land lying and being in Land Lot 59 of the 6th District and Land Lot 128 of the 7th District, Fayette County, Georgia, and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING, commence at the intersection of the eastern Right-of-Way of Paschall Road (80 foot Right-of-Way) and the northern Right-of-Way of the Seaboard Coastline Railroad (100 foot Right-of-Way); thence in a southeasterly direction along the northern Right-of-Way of said railroad 831.13 feet to a point and the TRUE POINT OF BEGINNING; thence North 67 degrees 49'59" East a distance of 555.51 feet to a point on the southwestern Right-of-Way of State Highway 74 (130 foot Right-of-Way) (said line being the extension of the southeasterly side of the existing building now occupied by NCR); thence along said Right-of-Way South 35 degrees 24'47" East a distance of 64.04 feet to a point; thence South 54 degrees 38'43" West a distance of 512.98 feet to a point on the northern Right-of-Way of the Seaboard Coastline Railroad; thence along said railroad North 43 degrees 41'13" West a distance of 192.81 feet to a point and the TRUE POINT OF BEGINNING, said tract containing

Grantor reserves an easement for egress from and ingress to Grantor's property for vehicular and pedestrian traffic over and across the 1.52 acre lot; also easements for existing utilities lines and the relocation thereof.

And the said vendor will, and his heirs, executors, administrators, and assigns shall, the said property to the said vendee, his heirs, executors, administrators, and assigns, forever warrant and defend against the lawful demands of all persons whatever.

IN WITNESS WHEREOF, The said Development Authority of Peachtree City has hereunto set his hand, affixed his seal, and delivered these presents this 4th day of April, 1988.

Signed, sealed and delivered in our presence:

This 4th day of April, 1988.

Development Authority of Peachtree City

By: Robert R. Foster, Chairman (SEAL)

James W. Fulton III, Secretary (SEAL)

Notary Public, Fayette County,

State of Georgia

My Commission Expires on

The 28th day of August, 1989.

FILED 4-4-1988

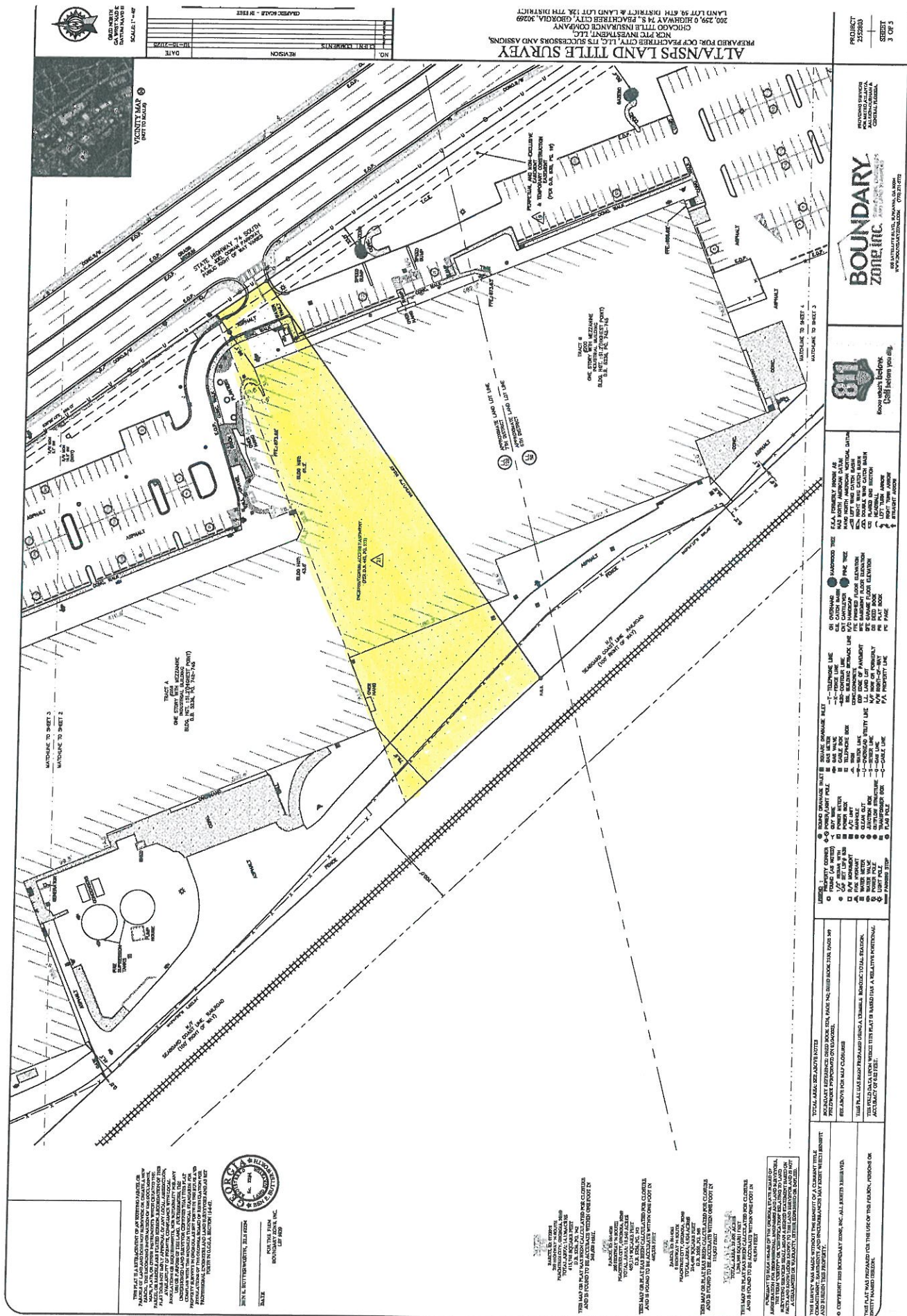
RECORDED 4-4-1988

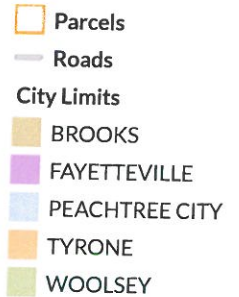
W.A. Ballard

CLERK SUPERIOR COURT

BOOK 493 PAGE 553







Once recorded, please return to:  
Lawson, Beck, Sandlin & Webb, LLC  
560 Newnan Crossing Bypass, Suite 100  
Newnan, Georgia 30265  
File No.: 25-NWN-0878

Please cross-reference with the following:  
Deed Book 493, Page 553  
County, Georgia records.

### **TERMINATION OF EASEMENT**

**THIS TERMINATION OF EASEMENT** is made and entered into this \_\_\_\_ day of December, 2025.

**WHEREAS**, there appears of record that certain Warranty Deed from the Development Authority of Peachtree City to NCR Corporation, dated April 4, 1998 with a reservation of an easement in favor of the Development Authority of Peachtree City recorded in Deed Book 493, Page 553, Fayette County, Georgia records (the "Easement"), affecting 200 Highway 74, Peachtree City, Georgia (the "Property") in Land Lot 59 of the 6<sup>th</sup> District, Fayette County, Georgia, Fayette County, Georgia records; and

**WHEREAS**, the Development Authority of Peachtree City has dissolved and is no longer an active entity; and

**WHEREAS**, pursuant to O.C.G.A. Section 36-62-14, the assets, debts, rights and obligations of the Development Authority of Peachtree City devolve to the City of Peachtree City; and

**WHEREAS**, the City of Peachtree City, on behalf of the dissolved Development Authority of Peachtree City, and the current record owner of the Property, NCR Corporation, a Maryland corporation, desire to terminate the Easement.

**NOW THEREFORE**, the City of Peachtree City, on behalf of the dissolved Development Authority of Peachtree City, hereby terminates the Easement as it relates to the Property and direct the clerk of Fayette County, Georgia, to terminate of record the same.

[SIGNATURES CONTAINED ON FOLLOWING PAGE]

**IN WITNESS WHEREOF**, the undersigned has signed and sealed this Termination of Easement as of the date first written above.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

{NOTARIAL SEAL}

**THE CITY OF PEACHTREE CITY**

a Georgia municipal entity, on behalf of the  
dissolved Development Authority of Peachtree  
City

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

{CORPORATE SEAL}

# CITY OF PEACHTREE CITY

## INTEROFFICE MEMORANDUM

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**MEMO TO:** Mayor and City Council

**VIA:** Justin Strickland, City Manager

**FROM:** Suzanne Brown, Council member 12/04/2025  
Justin Strickland, City Manager 12/04/2025

**DATE:** December 11, 2025

**SUBJECT:** 12-25-05 Burn Ordinance Amendment

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**Recommendation:**

Action may be taken. However, no action is required at this time.

**Discussion:**

Review of the presentation made by Fire Marshal Felmet from May 8, 2025.

1. Review "Option 2" that was proposed by Fire Marshal Felmet on May 8, 2025: "This change would be a ban of the outdoor burning of yard debris within the City limits for lots under a certain size."
2. Outline of what changes were adopted on May 15, 2025.
3. Outline the nature of complaints made by citizens prior to and since the Burn Ordinance was revised on May 15, 2025.
4. Review of the numbers of potential lots to be affected based on lot size, if we decide to allow burn permits between October and May. Data to be based on current GIS data for single family residential lots in Peachtree City.
5. Any change to the Burn Ordinance will not affect the state-wide burn ban from May through October.

For us to continue to have "Uncompromised Excellence" I believe we need to be more sympathetic to how a city-wide burn ban overburdens our citizens with larger properties.

**Budget Impact:**

Unknown as of this time

**Attachments:**

1. Burn Ordinance prior to changes on May 15, 2025
2. Ordinance 1237 - Burn Ban

#### **Sec. 42-45. Burning or burying.**

- (a) *Garbage, rubbish, hydrocarbons and other restrictions.* The burning of garbage, rubbish, automotive tires and tubes, asphalt shingles, PVC pipe, insulation, treated lumber, adhesives, shale oil, nitro-cellulose, combustible liquids and other products manufactured from derivatives of petroleum is prohibited. The use of hydrocarbons to start or fuel a fire is prohibited. Only one active burn site is permitted on any lot one acre or less in size. The burying of garbage or rubbish is prohibited except for burying in an designated landfill as approved by the authority having jurisdiction. Controlled outdoor burning will not be permitted to continue if it becomes a public nuisance or a health hazard.
- (b) *Garden trash, yard debris or brush ~~in small amounts~~.* The burning of garden trash, yard debris and brush is permitted in small amounts not exceeding 75 cubic feet on lots of ??? acres or more, provided that proper safeguards are taken to prevent the spread of the fire, and that the fire is attended at all times until it is fully extinguished and the is in compliance with the following rules: The burn pile must be 200 feet from the property line. The burn pile must be 50 feet from any structure. The burn pile must be 50 feet from any woodline or pine island. These distances can be reduced to 25 feet if the fire is contained in a burn barrel. The fire must be attended at all times and fully extinguished at dusk. Follow any warnings issued by the National Weather Service pertaining to restriction of outdoor burning due to weather conditions. ~~re is compliance with O.C.G.A. § 12-9-1 et seq., that authorization has been granted by the fire chief or his designated representative, that proper safeguards have been taken to prevent spread of the fire, and that the fire is attended at all times until it is fully extinguished. Fires must be fully extinguished by nightfall.~~
- (c) *Brush in large quantities.* The burning of brush in large quantities, (greater than 75 cubic feet), is not permitted, except for those special circumstances or occasions as noted in subsection (d).
- (d) *Special events.* For special occasions where outdoor cooking takes place in a manner other than the utilization of an approved grill such as social functions which include campfires for cooking, luau, or any other similar type of cooking activity, and for bonfires, campfires and similar activities, the person in charge of the activity must obtain authorization through the office of the fire marshal.
- (e) *Authorization for burning required.* Authorization to perform outdoor burning is required for all outdoor burning except for outdoor cooking on approved charcoal or gas grills. Each request to conduct outdoor burning shall be made to the fire department in person or via communication acceptable to the department. The fire chief and the fire marshal shall have reasonable discretion as to when outdoor burning is allowed based on existing or forecasted weather conditions.
- (f) *Monitoring and enforcement.* The fire department will periodically monitor authorized burning to assess compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance, fire department personnel may require the correction of the deficiency(ies) or direct extinguishment of the fire, as they judge appropriate. In no case should burning be allowed to continue if in the fire officer's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse affects. Failure to be in compliance with any of the rules and regulations noted above may result in revocation of any authorization to burn that has been issued, and a verbal warning, written warning, or citation as appropriate. Citations may be issued by the fire chief, fire marshal, fire department operations officer, code enforcement officers, and police officers.
- (g) *Implementation.* The fire chief is authorized to publish rules, regulations and procedures to implement the above requirements for controlled burning.

(Code 1980, § 11-28; Ord. No. 741, 10-5-00; Ord. No. 853, § 2, 8-18-05)

State law reference(s)—Air quality control, O.C.G.A. § 12-9-1 et seq.; illegal burning activities, O.C.G.A. § 16-7-28.

AN ORDINANCE TO AMEND ARTICLE II, SECTION 42 HEALTH AND  
SANITATION, OF THE CODE OF ORDINANCES OF THE CITY OF PEACHTREE  
CITY, GEORGIA, TO PROVIDE REGULATIONS FOR OUTDOOR BURNING WITHIN  
THE CITY; TO PROVIDE FOR SEVERABILITY, TO REPEAL CONFLICTING  
ORDINANCES, AND FOR OTHER PURPOSES.

WHEREAS, the City of Peachtree City currently has regulations governing outdoor burning of debris within the City; and

WHEREAS, the City has received complaints from citizens regarding debris from outdoor burning and the impact of such debris on buildings, vehicles, and property within the City; and

WHEREAS, current city regulations applicable to outdoor burning also cause safety concerns when burn pits are left unattended, and

WHEREAS, the City Council desires to alleviate the environmental and safety issues that arise with respect to burn pits, and the outdoor burning of large quantities of debris within the City

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

**Section 1** Section 42-45 of the Code of Ordinances of the City of Peachtree City, Georgia, as amended, to read and to be codified as follows:

**Section 42-45. Burning or burying**

- (a) *Garbage, rubbish, hydrocarbons and other restrictions.* The burning of garbage, rubbish, automotive tires and tubes, asphalt shingles, PVC pipe, insulation, treated lumber, adhesives, shale oil, nitro-cellulose, combustible liquids and other products manufactured from derivatives of petroleum is prohibited. The use of hydrocarbons to start or fuel a fire is prohibited. The burying of garbage or rubbish is prohibited except for burying in a designated landfill as approved by the authority having jurisdiction.
- (b) *Garden trash, yard debris or brush .* The burning of garden trash, yard debris, and brush is prohibited within the City of Peachtree City.
- (c) *Outdoor burning is authorized without a permit for cooking or entertainment purposes* Cooking must take place on a charcoal, gas or wood grill or pit. Entertainment fires (fire pits) must utilize either a commercially available pit or a pit constructed to contain the fire. Fire pits must not be larger than four (4) feet in diameter and be located at least 25 feet from any combustible structure. Cooking and entertainment fires shall only utilize wood as fuel. No leaves, pine straw or other yard waste is permitted to be burned as fuel for cooking or entertainment fires. All cooking or entertainment fires in a fire pit must be attended at all times until fully extinguished. Residents must follow safe practices, such as having a hose, bucket of water, fire extinguisher, rake or shovel available to control the fire. Residents must also adhere to any order to

suspend outdoor burning due to weather or environmental concerns issued by City, County or State governments.

*Special events.* For special occasions where outdoor cooking takes place in a manner other than the utilization of an approved grill such as social functions which include campfires for cooking, luau, or any other similar type of cooking activity, and for bonfires, campfires and similar activities, the person in charge of the activity must obtain authorization through the office of the fire marshal.

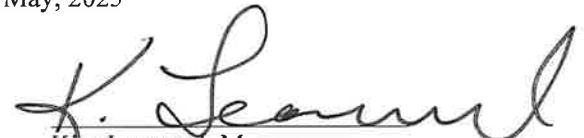
- (d) *Monitoring and enforcement.* The fire department will monitor burning to assess compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance, fire department personnel may require the correction of the deficiency(ies) or direct extinguishment of the fire, as they judge appropriate. In no case should burning be allowed to continue if in the fire officer's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse affects. Failure to be in compliance with any of the rules and regulations noted above may result in a verbal warning, written warning, or citation as outlined in Section 1-1. Citations may be issued by the fire chief, fire marshal, fire department operations officer, code enforcement officers, and police officers.
- (e) *Implementation.* The fire chief is authorized to publish rules, regulations and procedures to implement the above requirements for controlled burning.

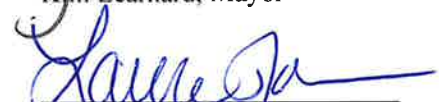
**Section 2.** All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

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

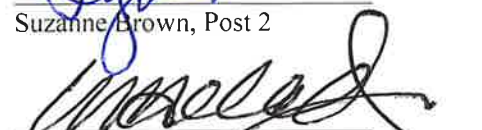
**Section 4.** This ordinance shall be in full force and effect upon its official adoption by the City Council.

Done, Ratified, and Passed this 15<sup>th</sup> day of May, 2025

  
Kim Learnard, Mayor

  
Laura Johnson, Post 1

  
Suzanne Brown, Post 2

  
Clinton Holland, Mayor Pro Tem

ATTEST:

  
Yasmin Julio, City Clerk