

City Council of Peachtree City

REVISED AGENDA

November 16, 2017

7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Recognize State Champion McIntosh High School Girls Volleyball Team
 - Recognize State Champion McIntosh High School Boys Cross Country Team
 - Recognize State Champion McIntosh High School Girls Cross Country Team
 - Recognize Asst. Fire Chief Clint Murphy for 20 Years of Service
 - Recognize Police Lt. Matt Myers – 40 Under 40 Award
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes – **November 2, 2017, Regular Meeting Minutes**
- VII. Consent Agenda
 - 1. Consider Ordinance Amendment – Boards/Authorities/Commissions – **Memo Added**
 - 2. Consider Ordinance Amendment (Golf Cart Ordinance) – Authorized Path Users – **Memo Added**
 - 4. Consider Budget Amendments – FY 2017
- VIII. Old Agenda Items
- IX. New Agenda Items
 - 11-17-03 Public Hearing – Multi-family Moratorium (Mike Warrix)
 - 11-17-04 Public Hearing – Variance for No-Impervious Buffer, 102 North Cove (David Borkowski) – *Due to advertising requirements, staff is requesting this item be continued to the December 7 agenda.*
 - 11-17-05 **Consider Budget Amendment – FY 2018 (Amphitheater) – Moved from Consent**
 - 11-17-06 **Certify Results of the November 7, 2017, General Election (Betsy Tyler)**
- X. Council/Staff Topics
 - Ordinance Amendment Preview – **Memo Added**
 - City Council Meeting Procedures & Rules (Time of Council Meetings) (Betsy Tyler)
 - Wireless Communications Ordinance Text Amendments (Mike Warrix)
 - SPLOST Projects Update
 - Facilities Bond Projects Update
- XI. Executive Session
- XII. Adjourn

City Council of Peachtree City
Meeting Minutes
November 2, 2017
7:00 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, November 2, 2017. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Mike King, Kim Learnard, and Phil Prebor.

Announcements, Awards, Special Recognition

The mayor recognized Police Cpl. Adam Pendleton as September's Employee of the Month. She said he had been with the department since 2015. Fleisch commended Cpl. Jay Hughes for 20 years of service with the Police Department. Mary Camburn, accounting manager, was honored as Supervisor of the Quarter.

Public Comment

There was no public comment.

Agenda Changes

There were no changes to the agenda.

Minutes

King moved to approve the October 19, 2017, regular meeting minutes as written. Ernst seconded. Motion carried unanimously.

Consent Agenda

- 1. Consider Alcohol License – NEW – Fairfield Inn & Suites, 295 Highway 74 North**
- 2. Consider Appointment of Convention & Visitors Bureau Members - Adlington & Hooper**
- 3. Consider Stormwater Maintenance Agreements – Sigvaris & Fairfield Inn**

Learnard moved to approve Consent Agenda items 1, 2, and 3. Prebor seconded. Motion carried unanimously.

New Agenda Items

11-17-01 Consider RFP for Design-Build Bridges

City Engineer David Borkowski presented information regarding the design of five bridges that would be built using Special Purpose Local Option Sales Tax (SPLOST) funds. He showed concept drawings and explained the location and purpose of each bridge. Borkowski said a curved pedestrian bridge was planned to connect All Children's Playground to Drake Field, possibly with bump-outs included to facilitate lake viewing.

City Manager Jon Rorie expanded on Borkowski's comments, asking Council to observe that the design was similar for each project, with a focus on ease of maintenance and creating a cohesive theme around the lake. For instance, Rorie noted, there would be no wooden bridges; they would be made of COR-TEN, which had a rusted appearance. Cable would replace wooden pickets or spindles.

Borkowski said the 54 Gateway Bridge would cross SR 54 between Wynnmeade and MacDuff Parkways and connect with the MacDuff Tunnel. Rorie added that work on the tunnel connection was already underway as part of the MacDuff Bridge project. Borkowski showed the conception of the Lake Peachtree Spillway Bridge, noting that the design had since been changed from one center pier to two. The Lake Peachtree Island Bridge would connect the

north end of the island to the existing path. Rorie said this would be a pedestrian land bridge, constructed of stone with land filled in between the outer walls.

Borkowski detailed the design process, which included a 30% completion mark to incorporate the theme, followed by a 60% completion mark covering engineering specifics, such as the size of bolts. After that plan was approved the builders would submit a Guaranteed Maximum Price (GMP) for the City's approval. Then, construction could commence. Prebor asked how long this would take, and Borkowski said it would vary for each bridge. The 54 Gateway Bridge would take the longest, due to the need for State permitting. Rorie said it would also depend on cash flow from the SPLOST funding.

Borkowski told Council that Staff recommended awarding the design-build contract for the Spillway Bridge to North Georgia Concrete because that firm was the contractor for the current spillway project. He and Rorie both said it was easier to have one contractor for both projects. Borkowski recommended Kiewit be chosen as contractor for the 54 West Gateway, All Children's, and Lake Peachtree/SR 54 bridges, adding that City staff could construct the Island Bridge.

Rorie informed Council that, over the past few weeks, he had ordered some engineered plans for the boat ramps at Pinecrest and Battery Way and sent them to three concrete construction companies for quotes. He said the first quote had come back, and Council could expect a cost of between \$30,000 to \$60,000 for both. While this was an unbudgeted item, Rorie pointed out that Council should consider constructing these new ramps while the lake was down. He added that the boat ramps were not installed according to any design properly initially. Rorie added there were a number of inter-related projects going on now at Lake Peachtree.

Learnard moved that the City award a design-build, cost-plus-fee contract to Kiewit for the design and construction of the Drake Field/All Children's Playground Bridge, the Highway 54 West at MacDuff Parkway Bridge, and the Highway 54 at Lake Peachtree Bridge, and to North Georgia Concrete for the design and construction of the Lake Peachtree Spillway Bridge. King seconded. Motion carried unanimously.

11-17-02 Consider RFPs for Skatepark Design & Construction

Recreation & Special Events Director Quinn Bledsoe presented a proposal for the awarding of a contract to design and build a new skatepark. She explained that when she came to the Recreation Department six years ago, there had been a group of citizens who were interested in the construction of a new skatepark to replace the current facility at Shakerag Knoll. Bledsoe reported that she put out a call for other interested people and wound up with a core group of 10 or 12 who had been working with City staff on a proposal. Many of that group were present at the meeting, and Bledsoe commended them for their dedication. They conducted a lot of research, Bledsoe related, including visits to most of the parks in the area. She said their expertise was invaluable, especially in compiling a list of contractors. Finding a location was another challenge, Bledsoe noted, but it was decided that the Glenloch Recreation Complex would be best. She said the advisory group compiled a list of desired features for a skatepark, taking into account the need to accommodate skaters of all skill levels while staying within the budget.

Bledsoe outlined some facts about the current skatepark. She said it was 3,510 square feet and consisted of an asphalt base, and a few purchased and donated plywood ramps that provided no flow for skaters. She went on to note that the asphalt base was problematic during the warm months because it softened, causing skateboard wheels to not roll smoothly and ramps to sink into the asphalt, marring the surface. Bledsoe noted that they considered upgrading and

adding onto the existing park, but its location on a hillside and the asphalt surface meant a new facility was a better option.

The proposed new facility at Glenloch would be 4,050 square feet, which Bledsoe said was adequate to accommodate all the desired features. It would be concrete, which meant reduced maintenance, increased longevity, and less noise. She said concrete was the standard for quality skateparks. Bledsoe presented a map of the area, showing the placement of the skatepark at the Glenloch Recreation Complex. She showed a design conception from the recommended contractor, 5th Pocket Skateparks, that included all of the desired features and met with the approval of the citizen skatepark group. A reference check showed high satisfaction with the company, Bledsoe reported. She said there were not a lot of skatepark builders in the United States, and 5th Pocket was in Pennsylvania, while most other firms were on the West Coast. She recommended that the contract be awarded to this company for an amount not to exceed \$115,000.

Rorie pointed out that this was one of 34 projects listed in the 2014 facilities bond. He said those projects were prioritized by necessity, and the goal was for all projects to come in 10% under budget. That was not always possible, but as other projects were completed over the past three years with budget savings, the building of a skatepark became more feasible. He said the skatepark addition would make Glenloch a community recreational facility. The skatepark was originally budgeted at \$50,000, Rorie noted, but careful spending on other projects made it possible to spend more on the skatepark.

Fleisch asked when construction would begin, and Bledsoe said it would depend on the contractor, but she expected groundbreaking within 30 days. Learnard had a question about shade, or the lack of it, in the area of the proposed skatepark. Bledsoe said there were no plans for awnings due to financial constraints. Rorie noted that the skate park would be in the wood line on the property, and Bledsoe added that the sun went behind the trees in the afternoon. Learnard then inquired about the fate of the existing skatepark, and Bledsoe and Rorie said it would probably be demolished and returned to a natural state. A citizen, Pam Kemp, noting the number of pine trees in the area of the new skatepark, asked if pine straw would be a problem. Rorie explained that City crews would keep the skating surface clear as they did with the tennis courts, and members of the citizens' committee said they were used to sweeping at the current facility.

Learnard moved to award the contract to build a skatepark to 5th Pocket Skateparks LLC for an amount not to exceed \$115,000. Ernst seconded. Motion carried unanimously.

Council/Staff Topics

Preview – Golf Cart Ordinance Revisions/Authorized & Prohibited Path Users

Lt. Brad Williams of the Police Department explained proposed revisions to the Golf Cart Ordinance that would be brought to Council in coming weeks. He said there had been an increasing number of complaints over the past few years of golf carts exceeding speed limits along the paths, usually because they had been modified. The department obtained permission from the Georgia Department of Public Safety to use speed detection devices to determine if a cart was exceeding the speed of 20 miles per hour (mph) on a level surface, which was not a speed limit, but was the criteria for determining whether a vehicle was a golf cart. The next step was to ensure that the City code section was properly written to enforce the definition.

Williams presented what he termed minor modifications to the golf cart ordinance, including the addition of the term "motorized cart" to the list of authorized users of the paths. Learnard asked

about the difference in the definition of a golf cart and a motorized cart, and Williams explained State law capped the speed of a golf cart at 15 mph and a motorized cart at 20 mph. Other changes clarified Prohibited and Permitted Users. Williams noted that the language under Prohibited Users incorporated speed modifications to golf carts/motorized carts made by someone other than the manufacturer to provide consistency with the definition of motorized cart in the ordinance.

Rorie said he wanted to address citizen concerns about these proposed ordinance changes, noting that low-speed motor vehicles (LSMV) were allowed on the paths. He emphasized that the proposed changes did not close discussion on other issues with the Golf Cart Ordinance. He noted there was some public confusion about what constitutes a motorized cart, and Public Information Officer/City Clerk Betsy Tyler noted that many people felt that if a motorized vehicle was not specifically prohibited, it was allowed. Tyler said this was not the case, and the changes clarified that issue.

Williams said LSMVs had a mode that limited their speeds to 20 mph, and using that mode was required on the paths. Rorie said the police were increasing patrols and conducting education programs in an attempt to keep up with the evolving situation. He noted that the term "golf cart path" was outdated, and "multi-use path" was now the preferred term.

Prebor asked if it was illegal to add bigger tires to a cart if that made its top speed more than 20 mph. Williams said, technically, it was illegal and did not fall under the definition of motorized cart since it was capable of speeds in excess of 20 mph. King asked if the illegal vehicles would be impounded, and Williams said usually a citation was issued, but the vehicle was not impounded. Many times, he said, it was at the officer's discretion. Ernst clarified that these citations were for violation of the permitted vehicle ordinance and were not speeding tickets.

There being no further business, King moved to adjourn. Learnard seconded. Motion carried unanimously. The meeting adjourned at 8:53 p.m.

Martha Barksdale, Recording Secretary

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Betsy Public Information Officer / City Clerk 

DATE: November 13, 2017

SUBJECT: Certify 2017 Municipal General Election Results
November 16, 2017, City Council Agenda

The municipal election was held on Tuesday, November 7, and Council is required to certify the results. The official results, which will be certified by the Fayette County Board of Elections on Monday, November 13, will be provided upon receipt and on the dais on Thursday.

Election Summary Report
 Fayette County
 State of Georgia General Municipal Election
 November 7, 2017
 Summary For Jurisdiction Wide, All Counters, All Races
 Official and Complete

Date:11/13/17
 Time:19:09:54
 Page:1 of 2

Registered Voters 40733 - Cards Cast 8035 19.73%

Num. Report Precinct 15 - Num. Reporting 15 100.00%

FAYETTEVILLE CITY COUNCIL P3

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	2	2	2	2	2	
Precincts Reporting	2	2	2	2	2	100.0 %
Times Counted (Reg. Voters 11493)	594	11	555	0	1160	10.1 %
Total Votes	424	6	381	0	811	
SCOTT STACY (I)	407	6	367	0	780	96.18%
Write-in Votes	17	0	14	0	31	3.82%

FAYETTEVILLE CITY COUNCIL P4

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	2	2	2	2	2	
Precincts Reporting	2	2	2	2	2	100.0 %
Times Counted (Reg. Voters 11493)	594	11	555	0	1160	10.1 %
Total Votes	581	11	539	0	1131	
RICH HOFFMAN	336	9	340	0	685	60.57%
BRETT NOLAN	142	2	129	0	273	24.14%
GHA-IS BASHIR PAIGE	102	0	66	0	168	14.85%
Write-in Votes	1	0	4	0	5	0.44%

FAYETTEVILLE CITY COUNCIL P5

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	2	2	2	2	2	
Precincts Reporting	2	2	2	2	2	100.0 %
Times Counted (Reg. Voters 11493)	594	11	555	0	1160	10.1 %
Total Votes	453	6	419	0	878	
PAUL ODDO (I)	417	6	395	0	818	93.17%
Write-in Votes	36	0	24	0	60	6.83%

PEACHTREE CITY MAYOR

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	12	12	12	12	12	
Precincts Reporting	12	12	12	12	12	100.0 %
Times Counted (Reg. Voters 24170)	3495	21	2339	0	5855	24.2 %
Total Votes	3471	21	2327	0	5819	
VANESSA FLEISCH (I)	1366	11	1140	0	2517	43.25%
ERIC IMKER	1088	3	708	0	1799	30.92%
DAR THOMPSON	1009	7	477	0	1493	25.66%
Write-in Votes	8	0	2	0	10	0.17%

PEACHTREE CITY COUNCIL P3

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	12	12	12	12	12	
Precincts Reporting	12	12	12	12	12	100.0 %
Times Counted (Reg. Voters 24170)	3495	21	2339	0	5855	24.2 %
Total Votes	3165	20	2156	0	5341	
HAROLD LOGSDON	1038	7	685	0	1730	32.39%
KEVIN MADDEN	1272	6	866	0	2144	40.14%
SARAH TOUSSAINT	834	7	601	0	1442	27.00%
Write-in Votes	21	0	4	0	25	0.47%

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Betsy Tyler, Public Information Officer/City Clerk 

DATE: November 13, 2017

SUBJECT: Consider Amendments to Administration Ordinance (Boards, Commissions and Authorities)
November 16, 2017, City Council Meeting

Recommendation:

That Council approve the amendments to the Administration Ordinance related to Boards and Commissions, and Authorities.

Discussion:

This amendment to the Administration Ordinance was previewed on October 19, and updates the appointment process for the various boards to reflect the enabling legislation and articles of incorporation that allow for some or all members of Council to serve on boards. The proposed changes also clarify the advertising of the vacancies and the appointment of the selection committee.

The changes also specifically prohibit members of Council or staff from serving on the Peachtree City Planning Commission due to the semi-judicial process and right of appeal to Council of Planning Commission decisions.

Finally, the section relating to the organization of the Planning Commission has been updated to reflect their lack of budget or ability to appoint staff or enter into contracts. These activities are exclusive to Council and the City Manager.

Budget Impact:

This item should have no budgetary impact.

AN ORDINANCE TO AMEND ARTICLE V, BOARDS, COMMISSIONS AND AUTHORITIES, OF THE PEACHTREE CITY ADMINISTRATION ORDINANCE, AS AMENDED, TO PROVIDE FOR THE APPOINTMENT OF COMMISSION, AUTHORITY, AND BOARD MEMBERS; TO ESTABLISH MEMBERSHIP IN THE PLANNING COMMISSION; TO PROVIDE FOR THE ORGANIZATION, RULES, STAFF, AND FINANCES OF THE PLANNING COMMISSION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

Section 1. Article V, Division 1, Section 2-336, of the Administration Ordinance of the City of Peachtree City, Georgia, as amended, is further amended and is to be codified as follows:

Sec. 2-336. - Commission, authority, and ~~bureau~~ board appointments, attendance.

- (a) The mayor and council shall serve as members of the appropriate authorities/corporations as designated by the respective enabling legislation/articles of incorporation.
- (b) Council may appoint up to one member of Council (including the mayor) or staff to serve as a full member of a commission, authority, or board if permitted by the enabling legislation/articles of incorporation or not specifically prohibited herein.
- (~~a~~c) Council may appoint citizen volunteers as appropriate to fulfill vacancies using the following process: Commission, authority, and association selection process.
 - (1) The ~~administrative services division~~ city manager's office shall advertise vacancies, acknowledge applications, schedule appointments with selected applicants and notify applicants of decisions of the selection committee.
 - (2) The selection committee shall be comprised of: two members of the city council, ~~as to be appointed by the mayor; the city manager; the chief administrative officer; and the chairman of the respective commission, authority, or association, or his designee, who shall not vote on the final recommendation to council.~~
 - (3) The ~~chief administrative officer~~ city manager shall serve as selection committee coordinator and ensure compliance with all requirements of this section.
 - (4) The selection committee shall:
 - a. Conduct interviews with applicants as scheduled by the ~~administrative services division~~ city manager's office.
 - b. Select and recommend, to the extent possible, a representative cross section of the citizenry as appropriate to serve on the commission/authority/association.
 - c. Forward the recommended selections to the city council for appointment.
- (~~b~~d) Applicant eligibility requirements.
 - (1) In general, Commission, and authority and board applicants must:
 - a. Be a legal resident of the state and have been a resident of the city for at least six months prior to the date of the application;
 - b. Not be an elected official of any governmental jurisdiction in the county or employee of the city; and

c. Meet any other qualifications established by the enabling legislation creating the particular commission, ~~or authority or board~~.

(2) Planning commission applicants/appointees may not be members of the city council or city staff.

(3) Convention and visitors bureau applicants must:

Meet the qualifications established by the convention and visitors bureau in its articles of incorporation and bylaws, as such may be amended, and as approved by the mayor and council.

(ee) *Filling of unexpired terms.* At the time of appointment of a member(s) to a commission, authority, or association the city council may designate an alternate(s) from the pool of applicants. Any alternate shall have the ability to participate in all discussion of the commission, authority, or association, but shall not have the right to vote on any matter before the commission, authority, or association.

The alternate shall be automatically elevated to ~~appointed as~~ a regular member of the commission, authority, or association ~~should there be~~ upon a vacancy during an unexpired term, and serve the balance of the unexpired term. Subsequently, the vacant alternate position would be filled via the next regular interview process.

(ef) *Attendance criteria.* Each regular member shall maintain an 80 percent attendance record at all regular and called meetings for the previous 12 months. Members failing to maintain such an attendance record, or who are absent at any three consecutively scheduled meetings, may be immediately dismissed from the commission, authority, or association by the mayor unless satisfactory justification of the absences is received from the chairman. However, the chairman may excuse an absence for documented medical reasons or for business directly related to the purpose of the commission, authority, or association so long as the total number of absences does not result in attendance falling below 70 percent for the previous 12 months.

While serving as an alternate, the alternate will be required to attend a minimum of 60 percent of regular and called meetings of the commission, authority, or association.

Section 2. Article V, Division 5, Sections 2-447 and 2-448, of the Administration Ordinance of the City of Peachtree City, Georgia, as amended, is further amended and is to be codified as follows:

Sec. 2-447. - Membership.

The city planning commission shall consist of five members who shall be residents of the city, appointed by the governing body. No member shall be a member of the city council or city staff to preserve the integrity of the variance and appeal process. The members of the planning commission currently serving shall serve for the term for which they were appointed, namely, two until October 1, 1986; two until October 1, 1987; and one until October 1, 1988; or until their successors are appointed. As the terms of the respective members of the city planning commission shall expire, all future appointments shall be for terms of three years each. Any vacancy in membership shall be filled for the unexpired term by the governing body, which shall also have the authority to remove any member for cause on written charges, after a public hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their respective duties.

Sec. 2-448. - Organization; rules; staff; finances.

The city planning commission shall elect its chairman from among its members. The term of the chairman shall be one year with eligibility for reelection. The city planning commission shall appoint

a secretary, who may be an officer or employee of the city. The city planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the city planning commission at which official action is taken shall be open to the public. ~~The city planning commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning agency and city planners and other consultants for such services as it may require.~~ The expenditures of the city planning commission, exclusive of gifts, shall be within the amounts approved for the purpose by the council.

Section 3. 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 4. 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 5. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____ 2017.

Vanessa Fleisch, Mayor

Attest: _____
Betsy Tyler, City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Betsy Tyler, Public Information Officer/City Clerk 

DATE: November 13, 2017

SUBJECT: Consider Amendment to Motorized Cart Ordinance – Authorized and Prohibited Path Users
November 16, 2017, City Council Meeting

Recommendation:

That Council approve the amendment to the Motorized Cart Ordinance.

Golf Cart Ordinance

On November 2, staff introduced several housekeeping changes to Peachtree City's Golf Cart Ordinance that will allow for better enforcement on our paths and prosecution of violations of the ordinance.

The proposed changes align the listings under both Authorized Users and Prohibited Users for consistency. The amendment also clarifies for the casual reader that no vehicles are permitted on the paths unless they are specifically authorized. Finally, the language under Prohibited Users addresses speed modifications to golf carts/motorized carts made by someone other than the manufacturer to provide consistency with the definition of motorized cart in the ordinance, which stipulates vehicles that cannot operate at more than 20 miles per hour.

Budget Impact:

This item should have no budgetary impact.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jon Rorie, City Manager

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

DATE: November 10, 2017

SUBJECT: Budget Amendments – Fiscal Year 2017
November 16, 2017 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendments to amend the 2017 budget resolution.

Discussion:

Attached please find budget amendments 17-017 and 17-018 for fiscal year 2017 submitted for your approval. These budget amendments are housekeeping in nature and are necessary to prepare for the annual audit and to issue financial statements for the fiscal year ended September 30, 2017.

Budget Impact:

The proposed budget amendments increase both the revenue and the expense in the General Fund \$45,000 for building permit collections and set the budget for the Keep Peachtree City Beautiful Fund revenues and expenditures \$46,000.

If you have any questions, please do not hesitate to contact either Paul Salvatore or Kelly Bush.

Thank you for your attention to this matter.

Attachments

kbb/Reports to Council/Budget Amendments FY2017

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

17-017

09/30/2017

[illegible]

To amend 2017 budget for KPYCB Fund revenue and expense at fiscal year end and to increase building permit revenue and expenses for year end (housekeeping).

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

17-018

09/30/2016

[illegible]

Explanation:
To amend 2017 budget for General Fund at fiscal year end (housekeeping).

Explanation:
To amend 2017 budget for General Fund at fiscal year end (housekeeping).

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: Jonathan N. Rorie, City Manager

FROM: Michael Warrix, AICP
Planning and Development Director

DATE: November 9, 2017

SUBJECT: Public Hearing – Consider Renewal of Multi-Family Rezoning Moratorium
November 16, 2017 City Council Agenda

Recommendation:

That Council re-affirm the Multi-Family Rezoning Moratorium.

Discussion:

In 1999, Council adopted an ordinance directing staff "to accept no applications seeking to zone or rezone property to any designation that would allow the development of the property as multi-family." Property owners requesting this type of zoning must first request that Council lift the moratorium as it applies to their property, before submitting the rezoning request to staff. The moratorium expires each year (November 2017), at which time Council must consider the moratorium to determine if it should be reaffirmed for an additional year.

Budget Impact:

The only budgetary impact associated with reaffirming the moratorium is the potential loss of impact fee revenue associated with any new multi-family development in Peachtree City.

Election Summary Report
 Fayette County
 State of Georgia General Municipal Election
 November 7, 2017
 Summary For Jurisdiction Wide, All Counters, All Races
 Official and Complete

Date: 11/13/17
 Time: 19:09:54
 Page: 1 of 2

Registered Voters 40733 - Cards Cast 8035 19.73%

Num. Report Precinct 15 - Num. Reporting 15 100.00%

FAYETTEVILLE CITY COUNCIL P3

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FAYETTEVILLE CITY COUNCIL P4

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FAYETTEVILLE CITY COUNCIL P5

	Polling	ABM	AIP	PRO	Total	
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PEACHTREE CITY MAYOR

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	12	12	12	12	12	
Precincts Reporting	12	12	12	12	12	100.0 %
Times Counted (Reg. Voters 24170)	3495	21	2339	0	5855	24.2 %
Total Votes	3471	21	2327	0	5819	
VANESSA FLEISCH (I)	1366	11	1140	0	2517	43.25%
ERIC IMKER	1088	3	708	0	1799	30.92%
DAR THOMPSON	1009	7	477	0	1493	25.66%
Write-in Votes	8	0	2	0	10	0.17%

PEACHTREE CITY COUNCIL P3

	Polling	ABM	AIP	PRO	Total	
Number of Precincts	12	12	12	12	12	
Precincts Reporting	12	12	12	12	12	100.0 %
Times Counted (Reg. Voters 24170)	3495	21	2339	0	5855	24.2 %
Total Votes	3165	20	2156	0	5341	
HAROLD LOGSDON	1038	7	685	0	1730	32.39%
KEVIN MADDEN	1272	6	866	0	2144	40.14%
SARAH TOUSSAINT	834	7	601	0	1442	27.00%
Write-in Votes	21	0	4	0	25	0.47%

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Betsy Tyler, Public Information Officer/City Clerk 

DATE: November 13, 2017

SUBJECT: Ordinance Amendments Preview – Council Meeting Time, Wireless
Telecommunications Facilities
November 16, 2017, City Council Meeting

Attached are two ordinance amendments for discussion and review prior to staff bringing them forward for formal adoption.

Council Meeting Time

The day, time, and location for City Council Meetings is established by ordinance, currently as the first and third Thursday of each month, 7:00 p.m., at City Hall. At the request of some members of Council, staff has included this item for discussion of changing the meeting time to 6:30 p.m.

Wireless Telecommunications Franchise

The proposed updates will bring the ordinance into compliance with federal and state rules and regulations, and will address advanced wireless architectures such as Distributed Antennae Systems ("DAS") facilities designed to improve signal coverage and enhance broadband capabilities. The proposed changes also support the City's responsibility to manage and protect the rights-of-way and maintain public safety standards.

The updates also allow administrative review of applications that do not include the construction of a new free-standing facility place applications not eligible for administrative review under the approval of the Planning Commission and City Council as a conditional use within specific zoning districts.

Planning and Development Director Mike Warrix will discuss the changes in greater detail on Thursday.

Ordinance Preview

City Council meeting Time

Sec. 2-32. - Time and place of meeting.

- (a) *Regular meetings.* Regular meetings of the city council of the city shall be held the first and third Thursday of each month at ~~7:00~~ 6:30 p.m. in the city council chambers. However, the mayor shall be authorized to cancel meetings and make temporary changes in meeting dates when such actions are for the convenience of the public. Appropriate notice of such cancellation or change in meeting date shall be provided to the public and council members.
- (b) *Special meetings.* Special meetings shall be called by the mayor as needed. Any council member may request the mayor to call a special meeting and such meeting shall be called. At least 24 hours notice to the public must be provided.
- (c) *Time to end meetings.* No agenda item of an open meeting other than one under consideration will be discussed after 11:00 p.m. Council shall have the authority to suspend this requirement and adopt other procedures by majority vote.

Ordinance Amendment Preview Wireless Telecommunications Facilities

ARTICLE XV. - WIRELESS TELECOMMUNICATIONS FACILITIES^[2]

Sec. 18-376. - Purpose.

The purpose of this article is to ensure that residents and businesses in the City of Peachtree City (city) have access to wireless telecommunications networks and state-of-the-art communications services while also ensuring that this objective is achieved in a fashion that considers public safety, preserves the aesthetic character of the community, and is accomplished according to city zoning, planning, and design standards.

The standards contained in this article are intended to comply with the Telecommunications Act of 1996 as amended, as well as Section 6409 of the "Middle Class Tax Relief and Job Creation Act" (Spectrum Act) of 2012. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities. The city recognizes that facilitating the development of wireless service technology can be an economic development asset to the city and a significant benefit to its residents. The provisions of this article are not intended and shall not be interpreted to have the effect of prohibiting personal wireless services. This article shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. In reviewing any application to provide personal wireless service or to install personal wireless service facilities, the City shall act within the time periods described by this article while taking into account the nature and scope of the application and the required notice and review process where applicable. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record.

To accomplish the above-stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, and is consistent with the city's land use and zoning policies, the city is adopting comprehensive regulations pertaining to wireless telecommunications facilities.

These regulations are designed to meet the following:

- (1) Promote the health, safety and general welfare of the public by regulating the siting of and establishing development standards for wireless telecommunications facilities and related equipment;
- (2) Encourage the location of wireless telecommunications facilities within non-residential areas while protecting residential areas and land uses from potential adverse impacts of towers;
- (3) Encourage collocation and site sharing of new and existing wireless telecommunications facilities;
- (4) Facilitate the use of public property for wireless telecommunications facilities;
- (5) Locate wireless telecommunications facilities in areas where adverse impacts on the community are minimized; ~~and~~
- (6) Encourage design and construction of wireless telecommunications facilities to harmonize the visual impact of the wireless telecommunications facilities with the existing natural and/or built environment;:
- (7) Enhance the ability of the providers of personal wireless services to provide such services to the community quickly, effectively, and efficiently;
- (8) Avoid potential damage to adjacent properties from tower failure with engineering and careful siting of tower structures;

(9) Enhance and provide emergency respondent capabilities;

(10) To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for a proposed modification to wireless telecommunications facilities;

(11) To ensure that application submittal requirements are related to information reasonably necessary to determine if the proposed modification will result in a substantial change in the physical dimensions of the wireless telecommunications facility support structure;

(12) To preserve the city's right to continue to enforce and condition approvals in this article in compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;

(13) To promote timely decisions under this article; and

(14) To ensure that decisions are made consistently and predictably.

Sec. 18-377. - 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:

Accessory equipment means any equipment serving or being used in conjunction with a wireless telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative approval means approval that the director or his designee is authorized to grant after administrative review.

Administrative review means the non-discretionary evaluation of an application by the director or his designee as identified herein. This process is not subject to a public hearing.

Antenna means all on-site equipment and any structure or device used to collect or radiate electromagnetic waves for the provision of any licensed or authorized personal wireless service including but not limited to of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, antenna used in small cell, microcell and distributed antenna systems, transceivers, cables, wiring, converters, power supplies, equipment cabinets and shelters, and other comparable equipment.

Antenna support structure means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

Atlanta Regional Airport - Falcon Field means the airport owned and operated by the Peachtree City Airport Authority.

Attached wireless telecommunications facility (attached WTF) means an antenna that is attached to an existing building or structure (attachment structure); said structures shall include but not be limited to utility poles, light poles, buildings, etc. with any accompanying pole or device (attachment device) which attaches the antenna to the existing building or structure and associated connection cables, and any equipment facility which may be located either inside or outside of the attachment structure.

Backhaul network means the lines that connect a towers or cell sites utilized by a provider of personal wireless services to one or more cellular telephone switching office, the long distance provider, or the public switched telephone network.

-Base station shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment

and a communications network. The term does not encompass a tower as defined in this article or any equipment associated with a tower.

Building official means the building official of the city.

Carrier on wheels or cell on wheels ("COW") means a portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Cell site or site means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory building, and parking, and may include other uses associated with an ancillary to personal wireless services.

Collocation means the act of siting, mounting, or installing wireless telecommunications facilities in the same location on the same support structure as other wireless telecommunications facilities.

Distributed Antenna Systems, microcell facility, and small cell facility (collectively "DAS facility" or "DAS facilities") means a wireless telecommunications facility characterized by small antennas and equipment cabinets located on a small diameter monopole, an existing or replacement street light, power pole, sign or other suitable structure, or on an existing building. A DAS facility is designed to blend in with the existing physical environment and minimize visual impacts.

Existing structure means a previously erected support structure or any other structure to which wireless telecommunications facilities can be attached.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Geographic search area (GSA) means an area of land, as defined by the applicant, being studied for the location of wireless telecommunications facilities.

Height means, when referring to a wireless telecommunications facility support structure, ~~the distance measured from ground level to the highest point on the support structure, even if the highest point is an antenna.~~ vertical distance measured from the base of the antenna of the wireless telecommunications facility support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Director means the community development director of the city.

Major modification means improvements to existing wireless telecommunications facilities or support structures that result in a substantial change to the facility or structure. Examples of major modifications include, but are not limited to, modifications that increase the height of the support structure or expand the physical size of the structures. Collocation of new wireless telecommunications facilities on an existing support structure without replacement of the structure shall not constitute a major modification.

Minor modification means improvements to existing wireless telecommunications facilities and support structures that result in some material change to the facility or support structure but of a level, quality or intensity that is less than a major modification. Examples of minor modifications include, but are not limited to, repair and/or replacement of existing antennas, switching stations or electrical components.

Monopole means a single, freestanding pole-type wireless telecommunications facility structure supporting one or more antenna.

Mount means the structure or surface upon which wireless telecommunications facilities are mounted. There are three types of mounts:

1. Building Mount. A wireless telecommunications facility mount fixed to the roof or side of a building.
2. Ground Mount. A wireless telecommunications facility mount fixed to the ground, such as a tower.
3. Structure Mount. A wireless telecommunications facility fixed to a structure other than a building, such as light standards, utility poles, water towers and bridges.

Municipal code officer means the code enforcement officer of the city.

Ordinary maintenance means ensuring that wireless telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation or of the support structure itself. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing wireless telecommunications facility and relocating the antennas of approved wireless telecommunications facilities to different height levels on an existing monopole or support structure upon which they are currently located without changing the overall height of the support structure. Ordinary maintenance does not include major and minor modifications.

Personal wireless service shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7) (C), and the FCC as may be amended now or in the future, and includes the transmission and reception of spectrum-based services including but not limited to radio or microwave signals used for communication, cellular phone, personal communications, commercial mobile services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services and facilities which provide subscribers with the ability to access or receive calls from the public switched telephone network. Personal wireless services also include unlicensed wireless services, which are services that are not licensed by the FCC, but are deployed through equipment that is authorized by the FCC. Personal wireless services include common carrier wireless exchange access services, which are offerings designed as competitive alternatives to traditional wireless local exchange providers.

Personal wireless service facilities shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7) (C), and the FCC as may be amended now or in the future, and includes transmitters, antenna structures and other types installations and facilities for the provisioning of personal wireless services.

Pre-existing support structures and antennas means any wireless telecommunications facility support structure or antenna for which a permit has been properly issued prior to the adoption of this article.

Replacement means constructing a new wireless telecommunications facility support structure of proportions and of equal height or such other height as would be allowed under the definition of minor modification to a pre-existing support structure in order to support a wireless telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

Site shall mean and refer to the current boundaries of the leased or owned property surrounding the location of wireless telecommunications facilities and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Stealth wireless telecommunications facility means any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the wireless telecommunications facility or support structure providing personal wireless services is not readily apparent to a casual observer.

Support structure(s) means any wireless telecommunications facility structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio or transmission

towers, microwave towers, common carrier towers, cellular phone towers, alternative structure towers and the like.

~~Telecommunications facility means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunications facility can consist of one or more antennas and accessory equipment or one base station.~~

Transmission equipment shall mean and refer to equipment that facilitates transmission for any personal wireless services including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies, and equipment associated with personal wireless services including, but not limited to unlicensed and licensed or authorized by the FCC, private, broadcast, and public safety services, as well as fixed wireless services such as wireless backhaul.

Utility pole means a utility pole or a utility pole in an identical or nearly identical location as an existing utility pole and which serves to replace an existing utility pole.

Wireless telecommunications facility means and refers to any wireless telecommunications facility structure utilized for the purposes of supporting any antennas and their associated facilities including structures that are constructed for personal wireless services including, but not limited to services licensed or authorized by the FCC, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as wireless backhaul, and the associated site. A wireless telecommunications facility can consist of one or more antennas and accessory equipment or one base station and includes DAS facilities.

Sec. 18-378. - Applicability.

- (a) All wireless telecommunications facilities or support structures erected within the city shall comply with the requirements of this article; except that this article shall not govern any wireless telecommunications facility or support structure that is owned and operated by a federally licensed amateur radio or citizen band radio operator, or any antenna that is used exclusively for receive-only purposes.
- (b) Pre-existing wireless telecommunications facility support structures and antennas shall not be required to meet the requirements of this article, except as identified herein.

Sec. 18-379. - Approvals required for wireless telecommunications facilities and support structures.

- (a) Administrative review. ~~Wireless T~~telecommunications facilities located on an existing support structure used for the provisioning of personal wireless services at the time an application is submitted shall be permitted after administrative review and administrative approval in accordance with the standards set forth in this article. ~~An attached WTF shall not be permitted by administrative approval.~~
- (b) Conditional use permit. Wireless Ttelecommunications facilities and support structures not permitted by administrative approval shall be reviewed as a conditional use in those zoning districts set forth in this article in accordance with the standards set forth in this article.
- (c) Exempt. Ordinary maintenance of existing wireless telecommunications facilities and support structures, as defined herein, shall be exempt from zoning requirements but shall comply with all building department requirements.

The following facilities are not subject to the provisions of this article:

- (1) Antennas used by residential households solely for broadcast radio and television reception;

- (2) Satellite antennas used solely for residential or household purposes;
- (3) COWs placed for a period of not more than 120 days at any location within the city after a declaration of an emergency or a disaster by the governor or by the responsible official of the city; and
- (4) Television and AM/FM radio broadcast towers and associated facilities.

Sec. 18-380. - Wireless Telecommunications facilities and support structures permitted by administrative approval.

(a) Wireless Telecommunications facilities located on existing structures.

- (1) Minor modifications and ordinary maintenance of Antennas and accessory equipment are permitted on any existing wireless telecommunication facility structure are subject to administrative review in accordance with the provisions of this article. An attached WTF shall not be permitted by administrative approval.
- (2) Antennas and accessory equipment shall not penetrate the protected airspace associated with Atlanta Regional Airport - Falcon Field.
- ~~(3) Minor modifications as identified herein.~~

(b) Administrative review of certain DAS facilities – The following DAS facilities applications shall be reviewed administratively by the director:

- (1) DAS facilities located on existing structures in any zoning district;
- (2) DAS facilities located on a new structure constructed for a use other than the provisioning of personal wireless services in any nonresidential zoning district;
- (3) DAS facilities mounted on buildings;
- ~~(1)(4)~~ Modifications to a wireless facility support structure which involves the co-location, the new installation, the removal, or the replacement of wireless telecommunications facility transmission equipment provided the modification does not substantially change the physical dimensions of an eligible support structure.

~~(b)(c)~~ General standards, design requirements, and miscellaneous provisions. Unless otherwise specified herein, all wireless telecommunications facilities and support structures permitted by administrative approval are subject to the applicable general standards and design requirements identified herein.

~~(e)~~ Administrative review process.

- (1) All administrative review applications must contain the following:
 - a. Administrative review application form signed by applicant.
 - b. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application.
 - c. Construction drawings detailing proposed improvements. Drawings must depict improvements related to the requirements listed in this article, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
 - d. A plat of the property identifying exact boundaries of the lease area for the new telecommunications facility and support structure, as well as the location of the access easement.
 - e. Administrative review application fee as adopted by city council in the schedule of fees and kept on file in the city clerk's office.
- (2) Procedure.
 - a. Within 30 business days of the receipt of an application for administrative review, the director shall either: (1) inform the applicant in writing the specific reasons why the

application is incomplete and does not meet the submittal requirements; or (2) schedule an administrative review meeting with the applicant within 30 days of the receipt of a complete application. This meeting is not a public hearing. If the director informs the applicant of an incomplete application within 30 days, the overall timeframe for review is suspended until such time the applicant provides the requested information.

- b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 business days after receipt of written notice shall constitute a withdrawal without prejudice of the application. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. The director must issue a written decision granting or denying the request within 90 days of the submission of the initial application unless:
 - 1. The director notified the applicant that the application was incomplete within 30 days of filing. If so, the remaining time from the 90-day total review time is suspended until the applicant provides the missing information; or
 - 2. Extension of time is agreed to by the applicant.
- d. Should the director deny the application, the director shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this article.
- e. Applicant may appeal any decision of the director approving, approving with conditions, or denying an application or deeming an application incomplete within 30 days to the city council in accordance with city ordinances.

Sec. 18-381. - Wireless Telecommunications facilities and support structures permitted by conditional use permit.

- (a) Any wireless telecommunications facilities or support structures, ~~including an attached WTF,~~ not meeting the requirements of administrative approval shall be reviewed and subject to approval by both the planning commission and city council as a conditional use within specific zoning districts, subject to the requirements of this article.
- (b) General standards, design requirements, and miscellaneous provisions.
 - (1) Unless otherwise specified, all wireless telecommunications facilities and support structures permitted by conditional use permit are subject to the applicable general standards and design requirements identified herein.
 - (2) Siting of new wireless telecommunications facilities and support structures shall be in accordance with the following hierarchy of facility alternatives, ranked from highest to lowest preference as follows:
 - a. Collocation on existing structure.
 - b. Concealed freestanding (stealth application).
 - c. Non-concealed freestanding monopole.
 - d. Non-concealed freestanding lattice structure.
- (c) Conditional use permit review process.
 - (1) All conditional use permit applications must contain the following:
 - a. Conditional use permit application form signed by applicant.
 - b. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application.

- c. A title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject tract, together with a full legal description of the property.
- d. Construction drawings detailing proposed improvements. Drawings must depict improvements related to the requirements listed in this article, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
- e. A plat of the property identifying exact boundaries of the lease area for the new wireless telecommunications facility and support structure, as well as the location of the access easement.
- f. A vicinity map delineating the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas and multi-use paths within 1,000 LF of the proposed wireless telecommunications facilities and support structure location. Said vicinity map shall also include zoning districts boundaries.
- g. A list of all property owners, to include the name and mailing address of all owners of property abutting the property where the new wireless telecommunications facility will be located as well as all owners of property located within 200 feet of the property where the new wireless telecommunications facility will be located. Property ownership shall be ownership as shown by the Fayette County Tax Digest for the year in which the application is considered, and the city officials have no duty to inquire into ownership beyond that shown on said tax digest. As used in this section, the phrase "owners of adjacent property" means any owner of property that physically touches the property under consideration.
- h. Two sets of mailing labels for such property owners shall be provided, along with a notarized letter of certification stating the ownership list referenced herein is accurate and to the best of the applicant's ability.
- i. An evidence of need report certified by a radio frequency engineer demonstrating the need for the new wireless telecommunications facilities and support structures at the proposed location. The following information shall be provided within the report:
 - 1. Identification of the efforts to comply with the wireless telecommunications facility and location hierarchy as identified herein. If a concealed freestanding or non-concealed freestanding structure is proposed, the applicant shall demonstrate that existing wireless telecommunications facilities, or the mitigation of existing wireless telecommunications facilities, within the applicant's geographic search area (GSA) cannot reasonably accommodate the applicant's need because:
 - A. There are no existing wireless telecommunications facility structures within the GSA that meet the applicant's engineering requirements and why.
 - B. The existing wireless telecommunications facilities and support structures within the GSA are not of sufficient height and cannot be increased in height to meet the applicant's engineering requirements.
 - C. The existing wireless telecommunications facilities and support structures within the GSA do not have sufficient structural strength and cannot be structurally improved to support the applicant's proposed wireless telecommunications and related equipment. Such information shall be certified by a professional engineer licensed to practice in the state.
 - D. There are other limiting factors that render existing wireless telecommunications facilities and support structures in the GSA unsuitable.
 - 2. For all wireless telecommunications facilities and support structures proposed within 500 LF of any residentially zoned parcel, a written report shall be provided

which demonstrates the applicant's meaningful efforts to secure alternative sites in non-residential areas. The applicant shall provide:

- A. A list of alternative sites that are potential alternatives to the proposed location.
- B. A written explanation as to why the alternative sites considered were either unacceptable or infeasible due to technical or physical reasons.
- C. Copies of written requests and responses for shared use, along with any letters of rejection stating the reasons for rejection.

3. Graphics to be provided shall include:

- A. A map of the GSA to include the location of the proposed wireless telecommunications facilities and support structures and all existing wireless telecommunications facilities and support structures within the GSA. The exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), including the height of the existing towers; and height, type and number of existing antennas on each support structure.
- B. A map of the GSA and all existing alternative structures that are potential alternatives to the proposed wireless telecommunications facility and support structure.
- C. A color plot demonstrating the existing coverage of all existing wireless telecommunications facilities and support structures owned and proposed by the applicant within the GSA.
- D. Additional maps and calculations as may be deemed necessary by the director to prove the need for the new wireless telecommunications facilities and support structures.

4. Applications for new wireless telecommunications facilities and support structures shall be considered together as one application requiring only a single application fee.

5. All new support structures shall be designed such that more than one provider of personal wireless carrier services can collocate on the new support structure in the future.

j. A visual impact assessment demonstrating the visual impacts the proposed wireless telecommunications facilities and support structures might have on the adjoining properties. The following information shall be provided within the report:

1. *Line-of-sight analysis.* The applicant shall provide a line-of-sight analysis, including elevation views of the proposed facility. The analysis shall include a description of natural and man-made features that affect the buffering of the potential visual impact of the structure.
2. *Photo simulations.* The applicant shall provide photo simulated post-construction renderings of the completed proposed wireless telecommunications facilities and support structures, equipment compound, equipment cabinets, ancillary structures and landscaping. The simulations shall include a minimum of four views (north, south, east and west).

The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations.

3. *Balloon test.* The applicant shall conduct a balloon test, the purpose of which shall be to delineate the height of the proposed wireless telecommunications

facilities and support structures, prior to the public hearing on the application. The balloon test shall meet the following requirements:

- A. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot in diameter length brightly colored balloon at the maximum height of the proposed wireless telecommunications facilities and support structures. Said balloons shall be flown within 50 horizontal feet of the center of the proposed support structure.
 - B. The dates (including a second date, in case of poor visibility on the initial date), times and location of the balloon test shall be advertised no less than seven days in advance in the city's legal organ. The applicant shall notify the director no less than 14 days in advance of the balloon test.
 - C. The balloon shall be flown for no less than four consecutive hours sometime between 10:00 a.m. and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend. In the case of poor weather or visibility on the selected date, the secondary date shall be scheduled for the following weekend at the same time. Pictures shall be taken of the balloon from approximately 200 feet away from a minimum of four views (north, south, east and west).
 - k. Documentation from the FAA indicating the proposed wireless telecommunications facilities and support structure are in compliance with Subpart C of the Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," if applicable.
 - l. Documentation from the Peachtree City Airport Authority indicating their approval of the proposed wireless telecommunications facilities and support structure.
 - m. Conditional use permit review application fee as adopted by city council in the schedule of fees and kept on file in the city clerk's office.
- (2) Procedure.
- a. Within 30 days of the receipt of an application for an administrative review, the director shall either: (1) inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and schedule a meeting with the applicant. If the director informs the applicant of an incomplete application within 30 days, the overall timeframe for review is suspended until such time the applicant provides the requested information.
 - b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 business days after receipt of written notice shall constitute a withdrawal without prejudice of the application. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
 - c. A complete application for conditional use permit shall be scheduled for a Public Hearing in accordance with established procedures.
 - d. Applications for new support structures with proposed wireless telecommunications facilities shall be considered as one application requiring a single application fee.
 - e. The subject tract shall be posted and the adjoining property owners shall be notified in accordance with established procedures.
 - f. The director shall issue a written decision granting or denying the conditional use permit application within 150 days of the submission of the original application unless:

1. The director notified the applicant that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information.
2. Extension of time is agreed to by the applicant.

Failure to issue a written notice within 150 days shall constitute an approval of the application.

Sec. 18-382. - General standards and design requirements.

(a) Permitted zoning districts.

- (1) ~~Wireless~~ Telecommunications facilities and support structures shall be permitted within the following zoning districts as a conditional use:
 - a. LI light industrial;
 - b. GI general industrial; and
 - c. OS-P open space - public.

- (2) ~~Wireless~~ Telecommunications facilities and support structures shall be permitted within the following zoning districts as a conditional use subject to additional conditions as described herein:

- a. GC general commercial, and
- b. OI office-institutional.

Said conditions shall include the following: The location of the support structure and the associated access easement shall be reviewed and approved by the city fire marshal to ensure emergency access will not be compromised following construction.

- (3) ~~Wireless~~ Telecommunications facilities and support structures may be considered to be either principal or accessory uses on a particular zoning lot. For purposes of locating a telecommunications facility or support structure on a particular lot, the dimensions of the entire lot shall control, even though the telecommunications facility or support structure may be located on a leased parcel within the overall lot.
- (4) ~~Wireless~~ Telecommunications facilities or support structures shall not be located on any zoning lot that is determined to be nonconforming, or on any zoning lot on which there exists a nonconforming use.

(b) Design.

- (1) Monopoles shall be subject to the following:

- a. Monopoles shall be designed to accommodate ~~no less than four telecommunications providers~~ the collocation of other antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the planning commission and city council.
- b. The telecommunications facilities at the base of the monopole shall be of sufficient size to accommodate accessory equipment for ~~no less than four telecommunications providers~~ the collocation of the equipment of other providers of personal wireless services whenever economically and technically feasible or aesthetically appropriate, as determined by the planning commission and city council.
- c. Unless a stealth wireless telecommunications facility or otherwise required by the FCC, the FAA, or the city, support structures shall have a galvanized silver or gray finish.

- (2) Lattice support structures shall be subject to the following:

- a. Lattice wireless telecommunications facility support structures shall be designed to accommodate no less than five telecommunications-providers of personal wireless services.
 - b. The wireless telecommunications facilities at the base of the support structure must be of sufficient size to accommodate accessory equipment for no less than five telecommunications-providers of personal wireless services.
 - c. Unless otherwise required by the FCC, the FAA, or the city, wireless telecommunications facility support structures other than stealth wireless telecommunications facilities shall have a galvanized silver or gray finish.
- (3) Stealth wireless telecommunications facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the planning commission and city council.
 - (4) Wireless telecommunications facilities located on the roof or on the side of the building shall be grouped together and integrated to the maximum degree possible with the building design.
 - (5) Wireless telecommunications facilities shall be placed toward the center of the roof or thoroughly screened from residential building views and from public views.
 - (46) Upon request of the applicant, the planning commission may recommend to the city council that they consider waiving the requirement that new wireless telecommunications facility support structures accommodate the collocation of other service-providers of personal wireless services if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter wireless telecommunications facility support structure with fewer antennas will promote community compatibility.
- (c) *Setback requirements.*
- (1) The following setback requirements shall apply to all new wireless telecommunications facility support structures. For clarification, the most restrictive setback requirements shall be applicable:
 - a. All wireless telecommunications facility support structures shall be set back from any property line abutting a residential use, school or place of worship, as measured from the base of the wireless telecommunications facility support structure to the boundary of such property, a minimum distance of 250 feet the height of the wireless telecommunications facility plus ten feet.
 1. On those tracts of land separated from a residential use, school or place of worship by a public street right-of-way, the setback shall be established by measuring from the boundary of the property such that there is no less than 250~~100~~ feet separating the property from the base of the wireless telecommunications facility support structure.
 2. On those tracts of land separated from residential use, school or place of worship by a city-owned greenbelt or open space, the side and/or rear setback shall be established by measuring from the boundary of the property such that there is no less than 250~~100~~ feet separating the property from the base of the wireless telecommunications facility support structure.
 - b. The minimum front-yard-setback for all wireless telecommunications facility support structures located on property adjacent to an arterial highway shall be no less than 200~~feet~~ a distance equal to the height of the tower as measured from the right-of-way to the base of the support structure.
 - c. The minimum front-yard-setback for all wireless telecommunications facility support structures located on property abutting all other public streets shall be no less than 100~~feet~~ a distance equal to the height of the tower as measured from the right-of-way to the base of the wireless telecommunications facility support structure.

d. ~~The minimum side and rear setback for all support structures shall be no less than 50 percent of the height of the support structure as measured from the property boundary to the base of the support structure. The base of any support structure shall be located no less than 75 feet from the property boundary.~~

ed. Unless otherwise stated herein, all accessory equipment shall be set back from the property lines in accordance with the minimum setback requirements within the underlying zoning district.

e. All wireless telecommunications facilities, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three times the tower height or a minimum of 500 feet, whichever is greater.

f. Any wireless telecommunications facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.

g. All wireless telecommunications facilities shall be set back from all adjacent municipalities and counties a minimum distance of 1,000 feet.

h. Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a private school conditional use.

i. All wireless telecommunications facilities, excluding stealth telecommunications facilities, shall be structurally designed to accommodate the following minimum numbers of personal wireless services providers based on height of the tower:

1. Up to 70 feet: personal wireless services provider;

2. Greater than 70 up to 120 feet: two personal wireless services providers;

3. Greater than 120 feet up to 150 feet; three personal wireless services providers;

4. Greater than 150 feet up to 180 feet: four personal wireless services providers; and

5. Greater than 180 feet up to 250 feet: five personal wireless services providers.

(2) ~~Attached WTF. Antenna arrays for an attached WTF—wireless telecommunications facilities must comply with are exempt from the setback requirements identified herein and from the setbacks of the zone in which they are located. An attached antenna array may extend up to eight feet horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.~~

(d) Height and dimensions.

(1) New wireless telecommunications facility support structures in all districts shall not exceed a height of 180 feet as measured from ground level to the highest point on the wireless telecommunications facility support structure, even if the highest point is an antenna.

(2) An attached wireless telecommunications facility WTF shall be limited in height to no more than ten feet from the top of the attachment structure.

(3) The maximum height of roof mounted wireless telecommunications facilities and equipment shall not exceed 15 feet above the top of the roof on which the wireless telecommunications facility is located.

(e) Aesthetics.

(1) Lighting and marking. Wireless telecommunications facilities and support structures shall not be lighted or marked unless required by the FCC or the FAA. Support structures required to be lit by the FCC or FAA shall not be located within 200 feet of a residentially zoned tract of land.

- (2) *Signage.* A sign no larger than four square feet shall be located on the wireless telecommunications facilities and shall identify the ownership and emergency contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
 - (3) *Landscaping.* In all districts, the director shall have the authority to impose reasonable landscaping requirements surrounding the accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner in perpetuity.
 - (4) *Accessory equipment.* Buildings, cabinets or shelters shall be used only to house equipment and other supplies in support of the operation of the wireless telecommunications facilities and support structures. Any equipment not used in direct support of such operation shall not be stored on the site.
 - (5) *Security fencing.* Accessory equipment at the base of the support structure shall be enclosed with a black vinyl-coated chain link fence at no less than eight feet in height. Portions of the wireless telecommunications facilities visible from off-site shall be screened with a stockade-type wood fence at no less than six feet in height with brick columns (two feet x two feet x seven feet tall) spaced at no less than 16 feet o.c.
 - (6) *Anti-climbing devices.* Support structures shall be equipped with an anti-climbing device to prevent unauthorized access. Any form of razor wire shall not be permitted as an anti-climbing device.
 - (7) *Access drive.* All access roads shall be constructed of gravel and/or dustless and durable Portland cement or asphaltic concrete complying with specifications established by the city. Said drive shall be maintained in a usable condition.
 - (8) *Antenna dimensions.* A wireless telecommunications facility antenna mounted on a wall of an existing building shall be mounted in such a configuration as to be flush to the wall as technically possible.
 - (9) *Color.* The wireless telecommunications facility antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
 - (10) *Equipment and Cabinets.* Any accessory equipment shelter must blend in with the surrounding buildings in architectural character and color.
- (f) DAS facilities standards.
- (1) Height.
 - a. Whenever DAS facilities are attached to an existing structure other than a base station as defined herein, the highest portion of an antenna comprising the DAS facility shall extend no more than 15 feet above the highest point of the existing structure.
 - b. Any structure supporting a DAS facility may be no taller than the maximum building height as specified in the zoning district in which the structure is located. The highest portion of an antenna comprising the DAS facility shall extend no more than 15 feet above the highest point of the new structure.
 - (2) Setbacks.
 - a. DAS facilities shall be set back a minimum of 40 feet from any dwelling unit existing at the time that an application for a DAS facility is submitted to the city for review.
 - b. No DAS facility shall be located within 250 feet of any other DAS facility.
 - (3) DAS facility antenna dimensions. No DAS facility antenna or antenna mounting hardware shall project out more than 12 inches from the surface of the structure to which it is attached.

- (fg) *Compliance with government regulations.* All wireless telecommunications facilities and support structures must comply with current standards or regulations of the FAA, the FCC, or any other agency of the federal government with the authority to regulate such wireless telecommunications facilities and wireless telecommunications support structures. If such standards and regulations are changed, the owners of the wireless telecommunications facilities and support structures governed by this article shall bring such wireless telecommunications facilities and support structures into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring wireless telecommunications facilities and support structures into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless telecommunications facilities and support structures at the owner's expense and shall result in appropriate action by the code enforcement officer.
- (gh) *Compliance with building code.* All wireless telecommunications facilities and support structures must comply with all current building and electrical codes which have been adopted by the city, as well as the applicable standards of the Electronic Industries Association, as amended. If upon inspection the city concludes that a wireless telecommunications support structure fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of the wireless telecommunications support structure, the owner shall have 30 days to bring such wireless telecommunications support structure into compliance with such standards. If the owner fails to bring such wireless telecommunications support structure into compliance with such standards, appropriate action will be taken by the code enforcement officer.

Sec. 18-383. - Miscellaneous provisions.

- (a) *Safety.* All ground-mounted accessory equipment and wireless telecommunications facility support structures shall be secured and enclosed with a privacy fence as specified herein.
- (b) *Environmental standards.*
- (1) Wireless telecommunications facilities and support structures shall not be located within wetlands or wetland buffers, whether federal or state designated.
 - (2) Wireless telecommunications facilities and support structures shall not generate noise in excess of 60db at ground level at the property line.
- (c) *Abandonment and removal.*
- (1) *Notification.* Each wireless provider of personal wireless services shall notify the director of their operational and non-operational wireless telecommunications facilities by December 31st of each year. The director shall maintain and update a list of these wireless telecommunications facilities for geographical information systems (GIS) purposes, and for use in collocation/site-sharing, and for taking necessary actions for the removal of abandoned facilities as established below.
 - (2) *Removal of abandoned facilities.* Any wireless telecommunications facility antenna and/or tower that is not operated for a period of six months shall be considered abandoned, and the owner of such wireless telecommunications facility antenna and/or tower shall remove same within 30 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two or more users of a single wireless telecommunications facility, then this provision shall not become effective until all users cease using the wireless telecommunications facility as identified herein.
 - (3) *Bond required.* Prior to issuance of a certificate of completion, the wireless service provider of personal wireless services and/or the support structure owner shall provide a performance bond in the form of a letter of credit drawn on a Georgia bank with an amount of \$20,000.00. Said bond shall be submitted to the director prior to issuance of

the certificate of completion and shall be renewable at periods not to exceed five years. The length of the bond shall be used for the removal of such structure for the lesser of the length of the lease (if applicable), including extensions, or, 20 years. Said bond shall include a requirement that notice be given to the city in the event that the bond is terminated, non-renewed, or otherwise cancelled, such notice to be given not less than 60 days prior to the effective date of such termination, non-renewal, or cancellation.

(d) *Multiple uses on a single parcel or lot.* Wireless ~~telecommunications~~ facilities and support structures may be located on a parcel containing another principal use on the same site.

(e) *Support structure certifications.*

(1) An annual wireless telecommunications facility support structure certification shall be required for any support structure or antenna in the city, including those legally in use on the effective date of this article. Certification shall be submitted to the director and shall be signed and notarized by the wireless telecommunications facility support structure owner or his authorized representative by January 31 each year.

(2) A wireless telecommunications facility support structure certification shall consist of a current description of the wireless telecommunications facility support structure's location, height, physical condition, antennas and support facilities.

Sec. 18-384. - Wireless ~~telecommunications~~ facilities and support structures in existence on the date of adoption of this article.

(a) Wireless ~~telecommunications~~ facilities and support structures that were legally permitted on or before the date this article was enacted shall be considered a permitted and lawful use.

(b) Non-conforming wireless telecommunications facilities.

(1) Non-conforming antennas or accessory equipment. Ordinary maintenance may be performed on non-conforming antennas and accessory equipment.

(2) Minor modifications to non-conforming wireless telecommunications facilities may be permitted upon the granting of administrative approval by the director.

(3) Major modifications to non-conforming wireless telecommunications facilities shall require approval of both the planning commission and city council.

(c) Non-conforming wireless telecommunications facility support structures.

(1) Non-conforming wireless telecommunications facility support structure. Ordinary maintenance may be performed on a non-conforming wireless telecommunications facility support structure.

(2) Collocation of wireless telecommunications facilities on an existing non-conforming wireless telecommunications facility support structure is permitted upon the granting of administrative approval by the director.

(3) Minor modifications may be made to non-conforming wireless telecommunications facility support structures to allow for collocation of wireless telecommunications facilities. Such minor modifications shall be permitted by administrative approval granted by the director.

(4) Major modifications to non-conforming support wireless telecommunications facility structures shall require approval of both the planning commission and city council.

Sec. 18-385. - Variances.

All wireless telecommunications facilities and support structures shall comply with the provisions of this ~~chapter~~article, unless a written request is filed and approved to waive this

requirement. All variance procedures shall be held in strict conformance with the procedures for variances as set forth in the city's zoning ordinance.

City Council of Peachtree City
Agenda
November 16, 2017
7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
 - Recognize State Champion McIntosh High School Girls Volleyball Team
 - Recognize State Champion McIntosh High School Boys Cross Country Team
 - Recognize State Champion McIntosh High School Girls Cross Country Team
 - Recognize Asst. Fire Chief Clint Murphy for 20 Years of Service
 - Recognize Police Lt. Matt Myers – 40 Under 40 Award
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
- VII. Consent Agenda
 1. Consider Ordinance Amendment – Commission, Authority, Board Appointments
Memo & final formatting of wording reviewed on October 19 will be posted Monday
 2. Consider Ordinance Amendment – Golf Cart Ordinance – Authorized Path Users
Memo & final formatting of wording reviewed on November 2 will be posted Monday
 3. Consider Budget Amendments – FY 2018 – Amphitheater
 4. Consider Budget Amendments – FY 2017
- VIII. Old Agenda Items
- IX. New Agenda Items
 - 11-17-03 Public Hearing – Multi-family Moratorium (Mike Warrix)
 - 11-17-04 Public Hearing – Variance for No-Impervious Buffer, 102 North Cove (David Borkowski)
- X. Council/Staff Topics
 - Ordinance Amendment Preview:
 - City Council Meeting Procedures & Rules (Time of Council Meetings) (Betsy Tyler)
 - Wireless Communications Ordinance Text Amendments (Robin Cailloux)
Memo & draft ordinance language will be posted Monday
 - SPLOST Projects Update
 - Facilities Bond Projects Update
- XI. Executive Session
- XII. Adjourn

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