City Council of Peachtree City
Agenda
November 3, 2011
7:00 p.m.

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Announcements, Awards, Special Recognition**
Recognition from Governor's Office of Highway Safety – National Law Enforcement Challenge

IV. **Citizen Comment**

V. **Agenda Changes**

VI. **Minutes**
October 6, 2011, Regular Meeting Minutes
October 20, 2011, Regular Meeting Minutes

VII. **Consent Agenda**
1. **Consider Stormwater Facility Maintenance Agreement – Walgreen's**
All stormwater facility maintenance agreements must be approved by City Council

VIII. **Old Agenda Items**

IX. **New Agenda Items**
11-11-01 **Public Hearing – Consider Reaffirmation of Multi-family Rezoning Moratorium**
Moratorium requires any requests to change zoning to allow for multi-family to come to Council before being accepted by staff
11-11-02 **Presentation from Friends of the Library**
Friends of Library requested time before Council

X. **Council/Staff Topics**
Hot Topics Update

XI. **Executive Session**

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

City Council of Peachtree City
Meeting Minutes
October 6, 2011

The Mayor and Council of the City of Peachtree City met in regular session on Thursday, October 6, 2011, in City Hall Council Chambers. Mayor Haddix called the meeting to order at 7:00 p.m. Council Members attending were: Vanessa Fleisch, Doug Sturbaum, Kim Learnard, and Eric Imker.

Announcements, Awards, Special Recognition
Haddix read a proclamation for McIntosh High School Sports Distinguished Alumni Hall of Fame Day in honor of the inaugural class of inductees.

Citizen Comment
There was none.

Agenda Changes
There were none.

Minutes
Fleisch moved to approve the minutes of the September 15, 2011, Regular Meeting. Learnard seconded. Motion carried unanimously.

Consent Agenda

1. **Consider Renewal of Insurance Brokerage Services Agreement**
2. **Consider Revised Agreement with Keep Peachtree City Beautiful**

Learnard moved to approve the Consent Agenda. Fleisch seconded. Motion carried unanimously.

Old Agenda Items
09-11-03 Consider Request to Change Street Name (Cooper Circle to SANY Boulevard)
City Planner David Rast addressed Council, saying the request had originally been presented the previous month. There had been some issues in dealing with some affected businesses located in the Storage Extra facility, and staff had met with their representatives. The group was still not in favor of the name change. The ordinance required 51% of the property owners on the street to agree to the change. That requirement had been satisfied, but one property owner was still not happy. Council had an additional document on the dais regarding the estimated costs the name change would place on these businesses.

Rast said staff was leaving the matter to Council to make a decision and was available to answer questions. Representatives from SANY were also present.

Michael Colapinto, representing SANY, said his understanding of the email, which he had also received late that afternoon, was that the affected businesses were estimating a total of $114,000 in impact due to the name change. He had not presented that number to his management. He had presented the original $11,000 estimate, which had been unacceptable to upper management.

Haddix asked about allowing both names to carry forward for a time to negate the costs to SANY. Colapinto said he would take that option back to his management.

Fleisch asked if it was customary to include a changeover timetable in a street name change. Rast said it was a possibility, although the City had not done so in the past because there had not been these types of concerns. Rast did not see why it could not happen that way.

Rast said staff had talked to Fayette County 911, and there were concerns about the existing Cooper Circle versus Cooper Loop street names. The requested name change to SANY Boulevard would address those issues. He felt having two street signs until that grace period expired could help mitigate costs to both sides.

Sturbaum asked if staff felt further discussions with the business owners might improve the situation. Rast said the businesses had done their licensing and advertising for this fiscal or calendar year, and having that additional time might make the change more acceptable. Rast added that some of the concerns involved their small staffing and who would contact mapping companies and other agencies. Rast said City staff might be able to assist with some of those changes.

Learnard explained there were 12 companies whose addresses would change, and they had marketing materials, advertisements, web sites, and other collateral pieces that would require the change of address. Several would incur additional costs due to multi-state licenses and federal registrations.

Haddix felt the dual name could extend until the economy recovered to avoid placing a financial burden on anyone. Sturbaum suggested putting a time-frame on the change because the issue did not have to be decided that night. Fleisch felt having a street with two names set a bad precedent and would add unnecessary confusion, and said there should be a definite grace period to allow the businesses to adjust their advertising and registrations. Haddix asked about adopting the change subject to review in 12 months.

Learnard asked if SANY would rather see Council deny the request or continue the decision until more discussion could occur. Colapinto asked for additional time to go back to his management and talk to the other businesses. Learnard felt they were not ready, and said if Council continued the question indefinitely, he could come back at any time once the matter had been resolved.

Another representative from SANY said the company wanted to grow with the City and his management was ready to move forward, having 51% of the property owners supporting the issue. He felt the grace period was a good idea. Rast requested five minutes to discuss options with the SANY representatives.

Learnard moved to table the item to the end of the New Business. Fleisch seconded. Motion carried unanimously.

<u>New Agenda Items</u>
10-11-01 Adopt Bond Resolution and Execute Bond Purchase Agreement
Salvatore noted that Council had the black-line copies available on the dais, one for the General Obligation Bond and one for the Facilities Authority.

Salvatore said this item was related to the refinancing of the 2004 Library General Obligation Bond, and Council was approving the bond resolution, which included the terms of bonds, final pricing, and purchase agreement. The refinancing would reduce the City's debt service for the Library by $12,000 each year, with a $95,000 total savings. The net interest rate was 1.78%

Learnard moved to adopt the bond resolution to authorize the execution of the bond purchase agreement. Sturbaum seconded. Motion carried unanimously.

10-11-02 Adopt Final Terms of Intergovernmental Agreement & Execute Public Facilities Authority Bond Purchase Agreement

Salvatore continued that this item mirrored the action of the Public Facilities Authority at the 6:45 p.m. meeting that same evening. The net interest rate (including closing costs) was 2.16%, and would result in a net debt service increase of $321,393.

The agreement and bond would result in $3 million in "new money" for Facilities Authority projects. The total debt service was $342,238 in annual debt service. However, the refinancing of the three other debts reduced that by $176,508, for a net increase in annual debt service of only $165,730, which was an investment in the community and the infrastructure.

The closing date for the bonds would be October 27, and bonds were available in denominations of $5,000.

Fleisch moved to adopt the supplemental bond resolution. Learnard seconded.

Imker said he had talked with Salvatore about initiating the Facilities Authority the previous year. Imker recalled that Salvatore had mentioned bringing this type of funding mechanism to previous councils but there had been no interest. Salvatore clarified that, since the City had been running out of capacity on the Bricks and Mortar loans, the City's financial advisor had brought it up as an option and Salvatore kept the option open for Council consideration. Imker noted that, when they had started the process, no one had imagined getting such low interest rates.

Imker continued that he had heard there was some concern by public about incurring new debt. However, half of the bond amount was a renegotiation of existing debt to save on interest and annual payments. The other half was an investment in infrastructure. Council would be eliminating over half of the City's current outstanding debts this year. Haddix noted that the option for the Facilities Authority had never been brought before full prior Councils.

Motion carried unanimously.

10-11-03 Consider Continuation of Moratorium on Pain Management Clinics

Sturbaum moved to approve the continuation of the moratorium on pain management clinics. Fleisch seconded. Motion carried unanimously.

10-11-04 Consider Bid – Roof – Public Works and Fire Station 82

Public Services Director Mark Caspar explained that the bid was for the restoration and coating of the roofs. Staff had name-branded the product following extensive research to get a system that would result in a 10-year warranty without having to pay for a completely new roof. The low bidder was Lo-Pac at $44,880.

Sturbaum moved to award the bid to Lo-Pac in an amount not to exceed $44,880. Fleisch seconded. Motion carried unanimously.

10-11-05 Consider Planning Intern & Amendment to FY 2012 Budget

Human Resources Administrator Ellece Brown said a review of the workload in the Planning Department showed that there were several projects not being accomplished due to the limited personnel. Staff looked at various options to accomplish the work and concluded the best use of resources was through a temporary assignment of a Planning Intern at 30 hours per week on a one-year employment contract. Staff was familiar with the knowledge and skills of Eric Murphy. The budget impact would be $29,571 to come from General Fund Reserves.

Learnard moved to approve the one-year, temporary, part-time assignment of Eric Murphy as planning intern with the Planning and Zoning Department of Community Services.
Fleisch seconded. Motion carried unanimously.

10-11-06 Consider Administrative Assistant (HR/PIO) & Amendment to FY 2012 Budget
Brown said the position would support both the HR and Public Information departments, and the position had been requested for the past several years. Council had asked the new City Manager to evaluate staffing levels, and this position was being brought forward again.

The position would be at a Salary Grade Level of 273. The budget impact was provided in a range because the position would be filled through a bid process. The funds to cover the position would come from the General Fund Reserves.

Learnard moved to approve the addition of an administrative assistant in the Administrative Services Division, with the related budget amendment. Fleisch seconded. Motion carried unanimously.

10-11-07 Consider Ordinance Amendment – Recreation & Special Events Advisory Board
Recreation and Special Events Administrator Cajen Rhodes explained that, with the recent reorganization, staff was asking Council to amend the ordinance to reflect the change from the Leisure Services Commission to the Recreation and Special Events Advisory Board.

Sturbaum moved to approve the amendment. Learnard seconded. Motion carried unanimously.

10-11-08 Consider By-Laws – Recreation & Special Events Advisory Board
Rhodes continued that the by-laws were being presented for the newly created Recreation & Special Events Advisory Board.

Sturbaum moved to approve the by-laws. Fleisch seconded. Motion carried unanimously.

09-11-03 Consider Request to Change Street Name (Cooper Circle to SANY Boulevard)
Colapinto requested that Council approve the dual street name, putting a final date of six months on the ultimate conversion to SANY Boulevard. He noted that SANY also needed to finalize marketing materials for upcoming trade shows.

Imker felt the other tenants needed to have input before putting the six-month deadline in place. Haddix said he would rather leave the date open for review. Fleisch asked if any of the business representatives had attended that evening. Rast noted the two representatives had scheduling conflicts.

Imker suggested bringing the matter back at the next meeting. Sturbaum said he was not seeing the urgency to make the decision that night. Learnard said she did not want to keep brining the matter back, and she did not want to waste time. Her concern was for the preexisting businesses, and she had not heard how this matter could be resolved to everyone's satisfaction. She said the ultimate resolution would be a decision reached together among the affected businesses.

Meeker suggested Council continue the item until SANY could meet with the other businesses and they came to some form of agreement or reached another impasse.

Sturbaum moved to continue the item indefinitely. Learnard seconded. Motion carried unanimously.

Haddix clarified that, if SANY could accomplish that goal by the next meeting, the item could be brought back at that time.

Council/Staff Topics
City Manager Jim Pennington reported that the Great Georgia Air Show would be held the coming weekend.

City Engineer Dave Borkowski reported on the status of the Kedron Pool. The fabric for the bubble and the air-handling unit were all on schedule. However, construction had revealed some issues related and unrelated to the bubble replacement. A related cost was the relocation of some of the water lines that were located where the grade beam needed to be.

The unrelated issue had to do with the grounding and bonding of the pool electrical system. Although new electrical equipment upgrades were included in the contract, the existing electrical panels were not properly grounded, which would increase the costs. The bonding system around the pools, which linked all metal items around the pool to avoid possible electrical shock to pool patrons, was also inadequate.

Borkowski stressed that this was a preexisting condition and, while found due to the bubble project, needed to be corrected regardless of the bubble. The pool was constructed to code at the time, but those types of connections corrode and breakdown over time. Borkowski said the City would need to check all the other pools as well to make sure any other potential safety issues were addressed. As soon as staff had cost estimates, they would bring those forward to Council.

Pennington said staff had done an excellent job of being thorough with the project and monitoring its progress.

Meeker said Council had items related to personnel and pending or threatened litigation to discuss in Executive Session. Sturbaum moved to enter Executive Session to discuss personnel and pending or threatened litigation at 7:58 p.m. Learnard seconded. Motion carried unanimously.

Sturbaum moved to reconvene into regular session at 9:30 p.m. Learnard seconded. Motion carried unanimously.

Learnard moved to authorize the expenditure of up to $6,500 for the redesign of the Kedron Drive Extension in connection with the lawsuit filed against the City by Peachtree City Holdings. Imker seconded. Motion carried unanimously.

Imker moved to authorize staff to move forward with the phasing plan for the maintenance of the Bradford Estates Pond. Sturbaum seconded. Motion carried unanimously.

There being no further business, Sturbaum moved to adjourn the meeting. Learnard seconded. Motion carried unanimously. The meeting adjourned at 9:34 p.m.

Betsy Tyler, City Clerk

Don Haddix, Mayor

City Council of Peachtree City
Meeting Minutes
October 20, 2011

The Mayor and City Council of Peachtree City met in regular session on Thursday, October 20, 2011, in City Council Chambers. Mayor Haddix called the meeting to order at 7:00 p.m. Other Council Members attending: Vanessa Fleisch, Doug Sturbaum, Kim Learnard, and Eric Imker.

Announcements, Awards, Special Recognition

Mayor Haddix thanked the Kiwanis Club of Peachtree City for their $1,000 donation to the Community Emergency Response Team (CERT) program. Haddix recognized Jim Kretchman of the Fire Department for 20 years of service and recognized Julie Shepherd of the Municipal Court Office as the September Employee of the Month. Haddix proclaimed November 6 as Retired Educators Day in Peachtree City.

Citizen Comment

There was none.

Agenda Changes

There were none.

Minutes

Learnard moved to approve the minutes of the October 4, 2011, workshop meeting. Fleisch seconded. Motion carried unanimously.

Monthly Reports

Imker drew attention to the Financial Services report, saying that, although the final totals were not yet available, at the end of Fiscal Year 2011, the City had exceeded revenue projections by half a percent and was below expenditure projections by four tenths of a percent. The Hotel/Motel Tax revenue came in at 110% of projections, and the Recreation Department budget brought in $30,000 more in revenue than projected due to fee changes implemented this year.

Old Agenda Items

1. Consider Acceptance of Donation – Fencing for Meade Field (Lacrosse)

Recreation and Special Events Administrator Cajen Rhodes addressed Council, saying the Peachtree City Lacrosse Association wanted to install black, vinyl-coated, chain link fencing around the two lacrosse fields at Meade to replace the existing temporary fencing. They had obtained a quote for approximately $18,000 for materials and installation and were willing to pay the cost.

Learnard asked who would be installing the fencing, and Rhodes said CYC Fencing, which was a current vendor in good standing with the City.

Sturbaum moved to accept the donation contingent on approvals from the Engineering and Building Departments. Learnard seconded. Motion carried unanimously

New Agenda Items

10-11-09 Consider Vehicle Lease Agreement with Enterprise Fleet Management

Financial Services Director Paul Salvatore said the lease and maintenance concept had been discussed earlier in the year. Staff was proposing a lease agreement for seven vehicles, including maintenance, based on the state contract, not to exceed $30,000. Salvatore said, for the purchase price of one vehicle, the City could test seven vehicles. He also anticipated savings in vehicle size and fuel efficiency.

Learnard asked for clarification on the state contract. Salvatore said Enterprise already had a contract with the state for this service. Public Services Director Mark Caspar added that staff was replacing vehicles with those of equal towing capacity but of more economical size and with better fuel efficiency.

Imker pointed out that the lease was for five years for a total of $133,000. He asked if the City was committing itself to the future four years. Salvatore said no. He continued that the seven vehicles in the lease were replacement vehicles in the five-year model. If the program was successful, it could be expanded in the future. He also noted the lease did not include any Public Safety pursuit vehicles.

Sturbaum pointed out that Section 17 of the lease agreement included language regarding the state of Missouri instead of Georgia, and asked if that was an issue. City Attorney Ted Meeker noted that the amendment included a rewrite of the section that amended the language to the state of Georgia.

Pennington said that staff wanted to make sure the program worked before committing the City further. Haddix said staff had brought forth so many innovative ideas and had so much energy in making changes to achieve savings that year. He extended his personal gratitude for that effort.

Sturbaum moved to approve the agreement with Enterprise Fleet Management in an amount not to exceed $30,000. Fleisch seconded. Motion carried unanimously

10-11-10 Consider Bid for Janitorial Services for Kedron Fieldhouse & Aquatic Center

Rhodes said the recent reorganization of the division had relocated the full-time maintenance person at Kedron to Public Works. This left the facility open 80 hours over a seven-day week with no on-staff janitorial services. Unique Cleaning Services, Inc., was the low bidder. They also worked for the FAA facility in Peachtree City and had received a high recommendation.

Fleisch moved to award the contract to Unique Cleaning Services, Inc., for $14,403.18. Sturbaum seconded. Motion carried unanimously

10-11-11 Consider Purchase of Computer Workstations and Software (Dell Financial Services)

Salvatore asked Council to continue this item to the November 17 meeting to allow staff to investigate possible additional cost savings before finalizing the recommendation.

Learnard moved to continue the item to the November 17, 2011, City Council Meeting. Fleisch seconded. Motion carried unanimously

10-11-12 Consider Elimination of Position – Events Services Coordinator (Amphitheater)

Human Resources Administrator Ellece Brown said staff was recommending the elimination of the full-time Events Services Coordinator position, to be replaced with a part-time, seasonal Box Offices Supervisor position.

Brown explained that the Amphitheater continued to operate in the red, and this change was in response to that loss. Responsibilities from the position would be reassigned, and the box office hours would be modified to reflect the change. The budget impact was a projected savings of between $25,000 and $30,000. Brown noted that there would be a severance package for the affected employee.

Imker asked for an estimate of the Amphitheater losses. Amphitheater Manager Nancy Prices said the facility had a $35,900 deficit in 2011. In 2008, the deficit had been over $300,000. That was reduced by about $50,000 for 2009, and had dropped more in 2010. Imker said the staffing change would reduce the deficit to an estimated $10,000 for FY 2012. Price said that was correct, and they were looking to move some of the free community events under Recreation and obtain additional commitments from sponsors for the next year to address the remainder.

Council thanked Price for the improvements that had continued since she began managing the facility in 2009.

Learnard moved to eliminate the Events Services Coordinator position and replace it with a Box Office Supervisor position as recommended. Imker seconded. Motion carried unanimously.

10-11-13 Discuss/Consider Additional Modifications at Kedron Fieldhouse & Aquatic Center
Haddix noted an additional document on the dais. Pennington said the agenda item reflected "additional repairs" at the facility, but the terminology needed to reflect "additional modifications" at the facility.

City Engineer Dave Borkowski addressed Council, describing an area of plumbing near the large pool that had not been located according to the design. The pipes were found in the area of the foundation being rebuilt and needed to be relocated. The same issue was discovered near the pump house.

Borkowski continued that the pool area needed to be properly bonded, and the pool and electrical equipment needed to be properly grounded. Other electrical issues included a delay in emergency lighting when switching to the generator, requiring power to be run to the emergency exit lighting. The conduit for the pool deck lights also needed to be increased in size with better wiring, which would allow in-house staff to reinstall the lighting each year instead of hiring an electrician.

Borkowski said there might be additional issues discovered, including conflicts with the existing building foundation by the generator, as well as the deck drains and other utility issues. Given the ambiguities, including the unknown total cost and the urgency in approving change orders, staff was requesting that the City Manager be authorized to approve individual change orders and to approve increasing the contract amount if it exceeded the 10% limit. Giving him that authority would allow the project to continue moving forward. Pennington clarified that Council should set a cap on the approval levels.

Learnard clarified that the problems discovered related to the original installation. Borkowski confirmed this, saying the original installation did not match the plans, there were no as-builts, and some of the installations (bonding) had deteriorated with age. Staff would also have to test the grounding and bonding at the other City pools.

Council asked what the limit should be, and Meeker asked Borkowski the minimum amount to see the project through to the next Council meeting. Borkowski estimated $80,000 to address the issues for which they already had pricing. Haddix suggested setting the amount at $100,000, and Sturbaum said, if the studies came back the following week requiring additional funds, then Council could have a Special Called Meeting.

Learnard moved to authorize the City Manager to approve additional modifications at the Kedron Fieldhouse and Aquatic Center in an amount not to exceed $100,000. Sturbaum seconded.

Imker said he needed additional time to think about the request. He understood the issue was time-sensitive, but he wanted to make sure the anticipated revenues over the 20-year life of the bubble (estimated at $60,000 per year) would come close to covering the investment. He thought the numbers would work, but asked for more time to consider it.

Haddix noted that the money approved to date was not refundable. He was not a fan of the project to begin with but would rather lose $100,000 than lose $500,000. Imker said he would probably reach the same conclusion, but he did not want to do so following only five minutes of discussion.

Fleisch said the bubble and air handlers were already being manufactured, and the City could wind up owning a bubble with no place to put it. Imker said he understood, but was concerned that there would be another $100,000 needed after this request. He felt the City was probably within 10% of achieving the break-even he sought, but had wanted to ask additional questions. Learnard commented that Council had make the best decisions possible based on the information available.

Imker said that, upon reflection, the revenue amount should increase over the 20-year projected life of the bubble, which helped to reconcile him to the expenditure.

Motion carried unanimously

Council/Staff Topics

Pennington distributed an informational memo to Council regarding the status of Code Enforcement following the relocation from the Building Department to the Police Department.

Pennington said the tree removal permit discussion should be on the November 3 or November 17 agenda. City Planner David Rast and his staff had made revisions and put together a Frequently Asked Questions sheet that would be distributed to Council the following day.

Meeker informed Council that an Executive Session was necessary to discuss a personnel item and threatened or pending litigation.

Learnard moved to enter Executive Session at 7:51 p.m. for a personnel matter and threatened or pending litigation. Sturbaum seconded. Motion carried unanimously.

Sturbaum moved to reconvene in regular session at 8:14 p.m. Learnard seconded. Motion carried unanimously.

Sturbaum moved to approve the performance evaluation of City Manager. Fleisch seconded. Motion carried unanimously.

Sturbaum moved to authorize the City Attorney to acknowledge service of the Mrosek lawsuit. Fleisch seconded. Motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn the meeting. Fleisch seconded. Motion carried unanimously. The meeting adjourned at 8:17 p.m.

Betsy Tyler, City Clerk

Don Haddix, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor and City Council**
VIA:	**City Manager** **Public Services Director**
FROM:	**City Engineer**
DATE:	**October 26, 2011**
SUBJECT:	**Stormwater Maintenance Agreement – Walgreens** **November 3, 2011, *City Council Meeting***

Recommendation:

Staff recommends that Council authorize the Mayor to sign the attached maintenance agreement for the new Walgreen's site.

Discussion:

The City's stormwater management ordinance requires that the owner of a new stormwater management facility enter into a maintenance agreement with the City. The maintenance agreement stipulates what the owner has to do in order to maintain their facility. It does not obligate the City to perform any maintenance, only to inspect. Therefore staff recommends that the City enter into this agreement.

Budget Impact:

There is no significant budget impact with this item. Staff is already conducting inspections in the City on a routine basis.

Attachment

STATE OF GEORGIA
COUNTY OF FAYETTE

After Recording Return to:
City Manager, City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

Peachtree City
STORMWATER FACILITY MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of ___________, 20___, by and between (Insert Full Name of Owner) WALGREEN CO, An Illinois Corporation hereinafter called the "Landowner", and the City of Peachtree City, hereinafter called the City. WITNESSETH, that WHEREAS, the Landowner is the owner of certain real property described as (Tax Map/Parcel Identification Number) 0731 024 as recorded by deed in the land records of the City of Peachtree City, Georgia, Deed Book 3365 Page 598, hereinafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and WHEREAS, the Site Plan/Subdivision Plan known as WALGREENS STORE #12554, (Name of Plan/Development) hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for detention of stormwater within the confines of the property; and

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

WHEREAS, the City requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns.

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

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan dated 10/11/10, titled WALGREENS PHARMACY STORE #12554, on file in the office of the City Engineer and incorporated herein by express reference.

2. The Landowner, its successors and assigns, shall adequately maintain the stormwater management facilities. This includes all pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions. The Stormwater Structural Control Maintenance Checklists found in the latest edition of the *Georgia Stormwater Management Manual* are to be used to establish what good working condition is acceptable to the City.

3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report annually. The inspection shall be performed by a registered professional engineer with experience in stormwater facility design, construction, and maintenance. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.

4. The Landowner, its successors and assigns, hereby grants permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the City deems necessary. The purpose of inspection is to follow up on reported deficiencies and/or to respond to citizen complaints. The City shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the City, the

City may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to charge the costs of such repairs to the Landowner, its successors and assigns. The Landowner shall be given notice of the deficiencies identified in the inspection report so as to take the necessary corrective action. Such corrective action shall be completed within thirty (30) days of the Landowner's receipt of such notice. In the event that the Landowner cannot complete such remedial action within this time period, the Landowner shall provide a schedule for completion, which schedule must be approved by the City. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

7. In the event the City pursuant to this Agreement, performs work of any nature or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City, and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management facilities fail to operate properly.

9. This Agreement shall be recorded among the land records of City of Peachtree City, Georgia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests.

WITNESS the following signatures and seals:

WALGREEN CO, An Illinois Corporation
Company/Corporation/Partnership Name (Seal)

By: 10/2/11

JEFFREY R ARMSTRONG - Regional Facilities Manag

(Type Name and Title)

Witness

The foregoing Agreement was acknowledged before me this 2 day of Oct, 2011, by

Olivia P Smith

NOTARY PUBLIC

My Commission Expires: 9-13-2013

COUNTY OF Cobb, GEORGIA

OLIVIA SMITH NOTARY PUBLIC MY COMMISSION EXPIRES SEPT 13, 2013 COBB COUNTY, GEORGIA

Mayor of Peachtree City

Witness

The foregoing Agreement was acknowledged before me this ____ day of ____________, 20___, by

____.

NOTARY PUBLIC

My Commission Expires: ___________

Approved as to Form:

City Attorney **Date**

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO:	**Mayor & Council Members**
VIA:	**City Manager** **Interim Administrative Services Director** **Interim Community Services Director** **City Planner**
FROM:	**Public Information Officer/City Clerk**
DATE:	**October 28, 2011**
SUBJECT:	**Reaffirm Multi-Family Rezoning Moratorium** ***November 3, 2011, City Council Meeting***

Recommendation:

That Council reaffirm 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 applying for a rezoning to multi-family residential 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, at which time Council must consider the moratorium to determine if it should be reaffirmed for an additional year.

A copy of the referenced ordinance, which expires in November 2011, is attached for your review. The moratorium does not affect property already zoned for multi-family use.

Budget Impact:

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

/bt

Attachment

ARTICLE XIV. MULTI-FAMILY--REZONING MORATORIIUM*

Sec. 1401. Purpose.

In order to protect the health, safety, and welfare of its citizens, the city has determined that a moratorium on the zoning or rezoning of property for development of multifamily housing needs to be adopted and enforced for all property in the City of Peachtree City not currently zoned for use as multifamily.

This moratorium is intended to promote: the orderly development of property in the city; maintain the high quality of police services now provided; maintain the high quality of emergency and fire services now provided; maintain the quality of education now provided; maintain the high quality of life now existing; help reduce traffic congestion; and ameliorate air quality standards.

Sec. 1402. Findings.

The mayor and council have made the following findings of fact in consideration of this moratorium:

(a) The development of additional multifamily housing would create a significant burden on the police department and emergency and fire departments for the city;
(b) The development of additional multi-family housing would overburden area schools
(c) The development of additional multi-family housing would exhaust available resources, thus reducing the quality of life now existing; and
(d) The development of additional multi-family housing would increase traffic congestion, which also reduces air quality.

Sec. 1403. Moratorium.

The Mayor and Council of the City of Peachtree City hereby directs its 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.

(a) Multi-family shall include apartments, townhouses, duplexes, condominiums and assisted living facilities.
(b) This moratorium shall be in effect for a period of one year and shall automatically expire if not reviewed by the mayor and council and if deemed necessary, renewed.
(c) This moratorium shall not apply to property already zoned for use as multifamily.

Sec. 1404. Appeals.

Any party with an ownership interest in property in the city that believes said property owner is severely prejudiced by this moratorium may file an application with the city planner requesting that the mayor and council remove the moratorium as it applies to the property.

(a) The application shall be accepted by the city planner and placed on the council agenda after being properly advertised, and then, considered by the mayor and council.

(b) City staff shall only provide council with current land use and zoning information regarding the subject property and its surrounding properties and shall not make a recommendation to council on the application to lift the moratorium.

(c) In the event council lifts the moratorium, the property owner may then submit the request for rezoning following established procedures.

(d) In the event council declines to lift the moratorium, the property owner shall have the same rights and follow the same procedures as those connected with the denial of a rezoning request.

City Council of Peachtree City
REVISED AGENDA
November 3, 2011
7:00 p.m.

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Announcements, Awards, Special Recognition**
Recognition from Governor's Office of Highway Safety – National Law Enforcement Challenge

IV. **Citizen Comment**

V. **Agenda Changes**

VI. **Minutes**
October 6, 2011, Regular Meeting Minutes
October 20, 2011, Regular Meeting Minutes

VII. **Consent Agenda**
1. Consider Stormwater Facility Maintenance Agreement – Walgreen's
All stormwater facility maintenance agreements must be approved by City Council

VIII. **Old Agenda Items**
10-10-CA1 Consider Alcohol License – NEW – Private Club/Bar, 300 Clover Reach
Reapproval of license needed as business did not open within the six months required by ordinance

IX. **New Agenda Items**
11-11-01 Public Hearing – Consider Reaffirmation of Multi-family Rezoning Moratorium
Moratorium requires any requests to change zoning to allow for multi-family to come to Council before being accepted by staff
11-11-02 Presentation from Friends of the Library
Friends of Library requested time before Council

X. **Council/Staff Topics**
Hot Topics Update

XI. **Executive Session**

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

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: **Mayor and Council**

VIA: **City Manager**

FROM: **Deputy City Clerk**

DATE: **November 2, 2011**

SUBJECT: **Alcohol License – NEW (Reapproval) – Tommyco, Inc.**
November 3, 2011, Regular Meeting

Recommendation:
Staff recommends Council consider the attached application for reapproval of an existing alcohol license for business that has not opened within the required six months per Sec. 6-44 of the Code of Ordinances and address the applicant's request for credit on the fees already paid..

Discussion:
Tommyco, Inc., 300 Clover Reach, has submitted a request for reapproval of an alcohol license for a restaurant/bar and private club/bar. Mr. Richard "Dar" Thompson has requested he be re-appointed as the Licensee and as the License Representative. Mr. Thompson will attend the meeting on Thursday, November 3, to answer any questions you may have. Council originally approved the alcohol license application on October 21, 2010

In addition, Mr. Thompson paid $5,500 in alcohol license fees for 2011 and never opened. Section 6-44 stipulates that the fee is forfeited if the business does not open within the required six months. Alcohol license fees are prorated by 50% for those businesses that open after July 1. Mr. Thompson hopes to open by mid-December of this year. If he had not paid any fees to date, he would owe the City $2,750 for the license plus another $550 for the license for the private club/bar for a total of $3,300. He would like to talk to Council about the possibility of receiving a partial credit for the remaining $2,200 in fees paid for his 2012 license..

Budgetary Impact:
The budgetary impact of the alcoholic beverage license will be positive. The applicant will be required to pay the annual fee for the sale of beer, wine, and distilled spirits ($5,000 annually) and, if they choose to serve on Sunday, they will pay an additional $500 annually. An additional fee of $1,100 (20%) is also required for the second bar at the location. Any credit of excess fees paid for 2011 would reduce the 2012 fees by that amount.

Attachments

PEACHTREE CITY
PLAN TO STAY™

City Hall
151 Willowbend Road
Peachtree City, GA 30269
Phone: 770-487-7657
Fax: 770-631-2505
www.peachtree-city.org

Application For Alcoholic Beverage License

Business Name: Tommyco Inc dba Alexandria's	Business Location: 300 Clover Reach	
Nature of Business: Private Bar	Mailing Address: 1300 Commerce Dr.	Business Phone Number: N/A
Name of Licensee: Dar Thompson	Home Address: 118 Century Pk Pl.	Home Phone Number: 770.560.4985
Name of License Representative: Dar Thompson	Home Address: 118 Century Pk Pl	Home Phone Number: 770.560.4985

Please indicate type of licenses applying for:

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

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

NAME Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	ADDRESS Please provide Home Addresses for the individuals listed:	PHONE NUMBERS Please provide Home and Business Phone Numbers for individuals listed:
Richard Dar Thompson	118 Century Pk Place	770.560.4985 7-631-8004
Tommyco Inc dba Alexandria's	Mailing Address 1300 Commerce Dr.	7-560-4985-7-631-8004

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

If YES, Please Provide Name of Employee: ______

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Application For Alcoholic Beverage License

Business Name: Tommyco Inc dba Latitude 32	Business Location: 302 Clover Reach	
Nature of Business: Restaurant / Bar	Mailing Address: 1300 Commerce D.	Business Phone Number: N/A
Name of Licensee: Dar Thompson	Home Address: 118 Century Pk Place	Home Phone Number: 7 560-4985
Name of License Representative: Dar Thompson	Home Address: 118 Century Pk Place	Home Phone Number: 7-560-4985

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
✓	Malt Beverage		Malt Beverage		Malt Beverage
✓	Wine		Wine		Wine
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Richard Dar Thompson	118 Century Pk Place	7-560-4985 7-631-8004
Tommyco Inc dba Alexander's	mail address 1300 Commerce Dr.	7-560-4985 7-631-8004

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

If YES, Please Provide Name of Employee: ______________________

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State of Georgia

City of Peachtree City:

I, H. C. "Skip" Clark II, Chief of Police for the City of Peachtree City, do hereby certify that:

Richard Dar Thompson Jr.

118 Century Park Place Peachtree City, GA 30269
Address

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

H.C. "Skip" Clark II
Chief of Police

11/2/11
Date

Major R.M. DuPree
Witness