



**CITY COUNCIL OF PEACHTREE CITY
REGULAR MEETING AGENDA
OCTOBER 1, 2020
6:30 p.m.**

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

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- I. Call to Order
 - II. Pledge of Allegiance
 - III. Announcements, Awards, Special Recognition
 - Scott Hicks – Director, Public Works – 35 Years
 - Billy Swanson – Lieutenant, Fire Department – 10 Years
 - IV. Public Comment
 - V. Agenda Changes
 - VI. Minutes
 - September 3, 2020 – Regular Meeting Minutes
 - September 22, 2020 – Special Called Meeting Minutes
 - VII. Consent Agenda
 - 1. Budget Amendment – Fiscal Year 2021 – Assistant Manager/Public Services Director
 - 2. Budget Amendment – Fiscal Year 2021 – Budget Carry Forward
 - 3. Planning Commission Appointments
 - VIII. Old Agenda Items
 - IX. New Agenda Items
 - 10-20-01 Public Hearing – Variance for 1009 Saranac Park for rear setback encroachment (Hooks)
 - 10-20-02 Authorization to Purchase Aerial Fire Apparatus (O'Connor)
 - 10-20-03 Step 1 Annexation Request – 52 acres at the end of Old Stagecoach Road and off of Spear Road (Cailloux)
 - 10-20-04 Amend Animal Control Ordinance and TNVR Policy (Cailloux)
 - X. Council/Staff Topics
 - XI. Executive Session
 - XII. Adjourn

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

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

Announcements, Awards, Special Recognition

Ellece Brown, Director of Human Resources & Risk Management, read a tribute to Joshua Doughty, Fleet Manager for the Public Works Department, who recently passed away,

Public Comment

There was none.

Agenda Changes

There were no changes to the agenda.

Minutes

Madden moved to approve the August 13 and August 20, 2020, special called meeting minutes and the August 20, 2020 regular meeting minutes. King seconded. Motion carried unanimously.

Consent Agenda

1. Online Payment Service Agreement

King moved to approve Consent Agenda item 1. Ernst seconded. Motion carried unanimously.

Old Agenda Items

There were none.

New Agenda Items

09-20-01 Public Hearing - Rezoning, 78 acres on SR 54, Governor's Square, and Peachtree Court from GC and R-43 to LUC

Prebor opened the public hearing.

Planning and Development Director Robin Cailloux displayed an aerial map that highlighted the area requested for rezoning, noting that parcels that were not included were outlined in yellow. She noted that the east side had been a hot spot for development over the past few years. It started with the 2014 boundary study designed to clean up the City's borders and also to bring developed areas into the City. This property was annexed under the 60% method in 2018. Over time, Cailloux stated, Publix, Governor's Walk, Lexington Village and other developments in that area were beginning to act as a new village center. They were requesting this zoning in order to take the uses that were already permitted and to be allowed to develop them into a mixed use, walkable development and to add some residential in order to support that development.

Another map showed how this area fit into the context of the entire study area on the east side. Currently, the area under request had about half its land zoned as General Commercial (GC), while the back half was zoned residential (R-43), which required one-acre lots. She pointed out the businesses that surrounded this property, including Publix, the foot pain clinic, other medical offices, and Lexington Village, which was also a mixed use development zoned as Limited Use Commercial (LUC) in 2004. After a slowdown during the Great Recession, Lexington Square was still being built out with the 80,000 square foot SMC3 office the most recent addition. On the north side, the residential component of Smokerise Corners was underway off of Sumner Road. The front part of that

development would be commercial. Genevieve Court, not in the City, was also an office park, Cailloux remarked.

The master conceptual plan for the development included areas that were not requesting rezoning. Cailloux said staff wanted to ensure that, should those parcels want to join the development in the future, it would not be done in a piecemeal fashion, but would be a comprehensive and cohesive development. Even without those parcels, she continued, the development could still happen and meet its intent of being a walkable development, but it would be a better development if those parcels were included.

The portion along SR 54 was commercial, Cailloux noted, with one- or two-story, commercial-only uses, as it was currently. Further in, Cailloux showed where the mixed use portion was outlined in blue. This would be vertical mixed use, which was not common in the City. The vertical mixed use would surround a central park and would line Governor's Square. Those would be commercial and office, with the possibility of having office or residential lofts above. Next was multi-family housing, which Cailloux had outlined in brown. They could be townhomes, apartments, or lofts. The single-family portion was in the rear of the property. Camp Creek was a major stream in the back, and they were preserving a lot of land around it. There was also another feeder stream on the property. They were asking for 94 single-family lots.

Cailloux stated that one of the Planning Commission's major concerns was that there was just one way in and one way out along Governor's Square. The applicant had since agreed to extend Peachtree Court into the single-family neighborhood, which would help with construction traffic and also the long-term interparcel connectivity through the whole development. She reminded Council that a new connection was being created through Miles Hardware and the Campanile's building parking lots, which would allow access to the traffic light at Shiloh and SR 54. The developers had identified future connectivity through Genevieve Court as well as to the south through the Shiloh Mobile Home Park.

Staff had looked at how this proposal met the City's policies and goals. There was a goal of preserving at least 20% of the City as open space. This was a citywide goal, and they applied it to every property that was up for rezoning. This property preserved 28% of its 78 acres as greenspace. If the missing parcels were added, it would still meet the standard, with 25% preserved. It also satisfied the 75/25 land use mix. The City was trying to shift its tax base away from residential. Right now it was at 80 percent residential and 20 percent commercial, but they were hoping to get it to 75/25. This development satisfied that, and was at 25% even without the additional parcels. With the addition of the parcels, it was at 31% commercial.

They were protecting water quality by preserving the streams with buffers. Another policy called for discouraging a strip mall style of development, and this proposal was not a strip mall. All infrastructure would be provided by the developer at no cost to the City. The property was not sewered right now, Cailloux explained. They would be bringing sewer to the residential, and it would be adequate to allow the entire development to tap into that. They would be providing multi-use path connections. A range of housing types and styles would be offered.

This proposal met the village concept, which Cailloux said she wanted to discuss in more detail. She noted that the Mayor talked about the changes in the village concept at the last Council meeting. The village concept had been evolving since Peachtree City was founded, Cailloux remarked. The 1972 plan had a different definition than the 1985 plan, and the 1992 plan differed, as well. They built on each other, but the village concept was never a stagnant definition. The one consistency between those definitions was the mandate for establishing a village center, called a major activity node, consisting of a mix of uses located on a major thoroughfare. The 1972 plan called for seven village centers and had the City building out at 80,000 to 100,000 people. The 1985 vision cut it to four

village centers with a build-out population of 40,000 by 2000. The 1992 plan made the most recent change by calling for the four villages to have a population 45,000 to 49,000 by 2015. Cailloux noted that it was 2020, and the population was probably about 36,000 or 37,000.

The 1992 definition clarified that multi-family housing was an appropriate use for a village center and that residential density should step down the further the distance from the village center. She noted that they did not have a new definition; they had been re-adopting the 1992 plan. However, by the 2000s, there was the emergence nationwide of a demand for these walkable mixed use centers. The approval of the Lexington Village rezoning in 2004 was an example. The development they were considering now would be a refinement of that village center concept into a walkable development pattern.

This was a quasi-judicial hearing, so Cailloux was required to go through six criteria stated in the ordinance. The first asked if this would be compatible with the policy and intent of the Comprehensive Plan, and Cailloux had already identified eight policies that it satisfied. The proposed land uses were compatible with the surrounding land uses. She showed a map indicated the adopted future land use and the proposed future land use. Parts outside the City were included because they affected this property. The density of the residential development being proposed was 1.9 units per gross acre, which put it in the single-family medium category, less than the density of Lexington Village of Governor's Row. She indicated the mixed use on the map. The fourth criterion explored whether the property had economic use as currently zoned. It did, but Cailloux pointed out that it was moderately developed, and there were vacancies. It was an aging property, and there were several undeveloped lots.

Another criterion asked if the development would cause a burden to public infrastructure and services. As far as traffic was concerned, there were fewer trips to be generated by the proposal than if the property were left in its current GC zoning. There was adequate capacity for water and sewer. They would be providing sewer to replace septic tanks. This would be in the McIntosh High feeder district, and all three of those schools were between 98% and 103% capacity. The completed buildout would add an estimated 62 elementary students, 31 middle, and 52 high school students.

Cailloux acknowledged that it seemed counter-intuitive that fewer trips would be generated by this development than if the property remained GC. When something was developed in a strip mall pattern, you got more vehicles. By moving to mixed uses, you got what was called internal capture, and trip generation data showed a 13% to 16% reduction in trips generated. With the current zoning and development pattern, there would be about 6,700 trips per day. Using the Institute of Transportation Engineers' trip generation formula, the proposed development would generate about 5,700 trips daily.

Staff was of the opinion that the development did meet the criteria for rezoning and recommended approval with the following conditions:

- The property should develop in conformance with the master plan.
- No more than 75% of the land acreage should be residential and no less than 25% commercial.
- All streets and proposed path network must be built as shown. That included extensions to Governor's Square and Peachtree Court in the residential section and reserving rear rights-of-way for future street connections to the north and south.
- All non-single-family dwelling structures should comply with the Land Development Ordinance architectural standards. The single-family area should have at least five house plans with two elevations each.

Daniel Fields represented Ravin Homes, which would be developing the residential portion. He said after the property was annexed into the City, Roch DeGolian approached them about potentially having sewer when the property was developed because of the failing septic systems being used by

the businesses in the area. They knew there was a strong housing demand and the commercial use would benefit from housing in the area. The sewer would help the project move forward.

He noted that the Planning Commission had two major concerns. One was traffic. They had added secondary access via Peachtree Court, even though that meant taking out some greenspace. There was also concern about lot count, but Fields commented that was what was generating the ability to add all the infrastructure. They believed all the components of this project—the residential, commercial, and mixed use—worked together to make the project a success.

DeGolian of DeGolian Realty, another applicant, said he and his wife were partners in Governor's Square and owned five lots on Peachtree Court. They bought the Governor's Square office complex from Pam Rossetti of Ravin Homes and negotiated an easement should she ever develop the back 50 acres to a point where it would have sewer. The easement would allow them to attach the existing office buildings to the sewer system. It became apparent that the sewer system would allow them to increase the capacity of the office buildings, include residential, and bring in other uses where there were existing structures.

They began to look at redevelopment and, after looking at the City's requirements, came up with the three sections of the mixed use portion of this development. The rear portion would be multi-family residential, and DeGolian said they could get about 180 units there. They would be up to three stories. In the middle would be the center green, surrounded by retail, office, and commercial, with residential above. In front would be commercial with residential above. They felt this would be a gateway into the City and a much better use of the land than what was there now.

They had been working on this for a while, DeGolian related, admitting they had a "tough go" with the Planning Commission, which was concerned with access and internal impact with traffic. He said the secondary entrance into the rear 50 acres should address those issues.

Prebor asked if anyone would like to speak in favor of the rezoning

Gary Zarlengo said he was a resident of Hyde Park, which was immediately to the west of Shiloh. He said he liked the proposal because that area of SR 54 was in need of an upgrade. However, he was concerned about traffic, citing the problems on the west side of SR 54, where many streets fed into the highway. He noted that a lot of the area in the proposal was not developed and said he struggled with the logic that increasing development would reduce traffic by 20%. He asked them to look at how this could be accomplished without traffic problems.

DeGolian stated that there had been steps taken to mitigate traffic, such as the R-cut directly in front of Governor's Square. Access there was right in and right out. If you wanted to go west from Governor's Square, you had to turn right, then pull a U-turn to go west. He noted that the redevelopment of the Campanile's property would allow connectivity from this area to the Publix parking lot. There was a light there that would allow for a left turn in order to go west.

No one else wished to speak in favor, and Prebor asked if anyone wanted to speak against the rezoning.

A resident of Smokerise Plantation said he was concerned about the safety that had already been compromised. Many drivers already used his neighborhood as a shortcut to SR 74 North. He said he felt they should scuttle any part of this plan that was not residential on one acre and use the concept of a corporate park for the rest. Corporations were fleeing cities, and Peachtree City would be a perfect place for a corporate park. They should invite corporate America to come to Peachtree City. He felt that would protect resale values, as well. He added that he thought they should annex all the commercial lots on SR 54 from Peachtree City to the Fayetteville border on a profit-sharing basis with

Fayetteville and put in corporate parks. Corporate tax revenues would far exceed those from residential properties.

Jane Trammell of Lakeside Drive told Council she questioned the timing of this, mentioning the vacant Steinmart building and noting that Kmart was still empty. She said she would support bringing fiber optics to the area, which would attract businesses, and would be willing to pay a two-year tax to finance it. She mentioned potential layoffs from the airport and said if that happened, they would have no housing shortage.

Jane Carter of Whitfield Farms noted that it wasn't the people coming in and out of this development that concerned her; it was the numbers on SR 54 East. Right now traffic was not too bad, and they wanted to keep it that way. There were many retail vacancies in the area, and online shopping was taking the place of brick-and-mortar stores, so a mixed use development might have no market. She was afraid they were turn into another Fayetteville with many vacancies. Peachtree City liked greenspace. If they had to give that up, they should take out an extra house. She said the development behind Petrol Point was not attractive, mentioning that the developers began clear cutting before it was approved by the City. They did not know the impact the Petrol Point development would be, and they did not know the impact of the new middle school on traffic. They needed to know the impact of these projects on traffic before approving another.

Gary Ricards of Smokerise recalled that the County was not initially in favor of the annexation because of density, but did allow it with R-43 zoning, which called for one-acre lots. Now it was being changed from 47 homes to 94 homes. He noted that he attended the Planning Commission meeting where this request was unanimously recommended for denial with lots of concerns. He felt the second entrance to the residential area would not adequately address the traffic issue because most homes in Peachtree City had several vehicles. There was no impact study on surrounding neighborhoods and businesses. He wanted the developers to affirm that the townhomes or apartments would be for sale and not rentals. They confirmed this for him.

Martine Yancey of Gateway Point said traffic was her biggest issue. She noted they would be taking the commercial office space from 26.9 acres to 5.54. She said she thought they were trying to get more businesses to build that side of the tax base. Yancey also cited discrepancies with the trip generator figures, saying the original number of homes proposed was higher than what was being used. Reducing the commercial space and adding homes was her biggest concern. She did support mixed use development, but not in this area.

She also stated she believed that in the past, such as with the Calistoa project, the City Manager had been against Council or the Planning Commission meeting with developers outside of actual public meetings. She understood that something unprecedented happened with this project and mentioned that the Mayor recused herself from the annexation vote due to a business relationship with the applicants. Was there special permission given to this development because of this relationship with the Mayor? Yancey said two Council members, two members of the Planning Commission, Cailloux, the City Manager, and others, got answers in those meetings that the public did not have access to. She said it was unfair to citizens for Council to have closed door meetings and not get that information on record. For that reason, she concluded, this should be squashed.

No one else wished to speak in opposition, and Prebor closed the public hearing.

King stated that he had heard of concepts like this for a long time. The one thing they could do to improve this area was to get sewer. Also, mixed use involved affordable housing. He agreed that they wanted corporate headquarters, but they also had to provide the employees with places to live. Trading greenspace for a second entrance would make a big difference in this project and resolve one of the issues the Planning Commission had with this project. In 10 years or so, he went on,

the buildings on the north side of this property would pursue redevelopment, too, because they would have the option for sewer. The easement allowed for access to sewer and for golf cart paths. They had talked about having residential above commercial for years, and now had a chance to do it.

If they said no to this, King continued, could they stop the 50 acres from being developed? They could not, he said. Did they want to see this commercial area sit there on sewer for the next 30 years? This was a chance to make this place better, King asserted, and if they didn't do anything, traffic would be worse than what would result from this proposal. This was a chance to create another village on the east side and continue what Peachtree City had done for at least the 33 years that he had been here.

Madden wanted to confirm that the multi-family units would not be rentals. Cailloux said that was something the applicants indicated in the Planning Commission meeting, but it was not stated in the original proposal. Council could add that as a condition. Madden said rental was not a good word in Peachtree City, and these should be townhomes, not rental apartments. He agreed that no one knew what would happen with the airline industry, but that didn't mean they couldn't plan for future development. The timing might be bad due to COVID, but it was a good time for a business to borrow money.

Madden said he found it difficult to believe that so many people used Smokerise as a shortcut to SR 74. There were too many speed bumps. It was easier to go down to Walt Banks. He agreed that fiber optic was needed throughout the City in order to attract commercial development.

In response to another comment, he noted that Petrol Point was already zoned commercial, so the developers did nothing wrong by cutting trees before the rezoning was approved. Madden said a lot of people had a fundamental misunderstanding of property rights. They saw an empty space and either assumed the City owned it or thought the City could dictate its use to the property owner. The City could only help in the development of the City in the best manner for the betterment of the community. The bedrock of American society was property rights. Three amendments to the Constitution dealt with property rights.

Madden said the best they could do as a City Council was to help direct development. It was important to have people who were willing to invest money to help propel the City into the future. They would put in sewer lines, fiber optic lines, water lines, roads, and cart paths. This cost millions of dollars before the developers realized a penny of revenue. They should appreciate what people were trying to do to improve the City.

Ernst referred back to Yancey's comments about meeting with developers. This was a major, major project, he emphasized, and Council had many questions. They asked City Manager Jon Rorie if they could meet two at a time with the developers, which the law allowed, to answer some of those questions. They held public hearings so citizens could get all their questions answered. He noted that the Mayor Pro Tem did not impose time limits on the people who spoke. Ernst stated that younger people wanted these mixed-use walkable communities. This was a great opportunity for the City to get that. It was continuing with the village concept. A lot of the people who lived there wouldn't be getting on SR 54 at all because everything they needed would be right there. He said he and his wife would not be opposed to living in a loft condominium where they would not have to deal with yardwork and other tasks. So, older people would like it, and it would also work for young families. He concluded that he thought it was a very good project and well put together.

Prebor said his job allowed him to meet with five to 10 homeowners a week, and he always heard from them that they would love to find a smaller home now that their kids were gone. They wanted new homes, but the average age home in Peachtree City was 30. They wanted something that was

low-maintenance and that they could drive their golf cart or walk to where they needed to go. Prebor noted that they had an aging community, and this development would be ideal, with gyms, grocery stores, doctor's offices, and salons all within the development. He said his 89-year-old mother lived in an area where she was able to easily get to places. It was important as you aged.

He added that he would only be interested in approving this if everything were owner-occupied. Rorie said they had stated that previously, but asked them to confirm. DeGolian said they would be three-level owner-occupied townhomes.

Rorie said he wanted to clarify another point that had been discussed. He noted that staff could not define affordable housing, but asked Fields how much these single-family homes would cost? Fields said they would be in the \$500,000s. Rorie confirmed with Fields that adding these 94 homes at that price would boost the asking prices of the City's existing homes.

The retail vacancy rate in the City was about 5.9%, primarily due to Kmart. No big box retailers wanted to move in there. He wanted to talk about office space, saying he doubted that it would ever revert back to the way it was with large office buildings being built for hundreds of workers. They were looking more at a 1,000 square foot space where employees could come to meet, then telework from home. This concept of corporate America building a 40,000 square foot office space was changing. If you had an office, such as for medical, you wanted to be surrounded by people. That's what these mixed use developments provided. This was the opposite of getting away from the village concept.

Rorie commented that surrounding this area was land zoned R-43. He asked Cailloux if it was permitted to build a small mother-in-law cottage on those lots? Cailloux said it was. Density already was permitted by right. Traffic impacts were related not to building, but to people.

In front of this property was an R-cut intersection. The traffic management plan for SR 54 East called for six R-cut intersections, and only two had been installed so far. The plan was available on the City website. Rorie related a conversation he had with the Georgia Department of Transportation (GDOT) that day about that corridor as it related to the new school. The plan didn't call for more traffic signals. Signals were to regulate safe movement, so they were trying to do the R-cuts to regulate the in and outs from the side streets on SR 54 East. They knew that more than 40,000 vehicles a day came from the west side over SR 74, and 66% of them continued on to Fayetteville to work. Every day, 12,000 Peachtree City residents drove out of town to work, while 14,000 out-of-towners commuted to Peachtree City. This traffic study was based on people driving through. That was the traffic they saw on SR 54. Theoretically, the people living in this development would turn right to go to work, and never hit the SR 74/54 intersection. He noted Ricards' point about Smokerise being a cut-through, but said it was a public road. People were going to come, Rorie concluded, whether they lived here or somewhere else. Peachtree City would experience the pain, even if they had none of the gain.

Yancey wanted to know if the Mayor was present at the two by two meetings, and Rorie said she was not. Yancey told Ernst that those private meetings took away her right to hear their questions and concerns. That could influence her thought process on the issue. She asked them not to take away their rights.

King asked to address that. He said any one-on-one conversation he had with another Council member was a private conversation. Any conversation with two of them constituted a public hearing, and anyone was welcome to listen. The reason they held the two-by-twos was because there was a 5-0 vote by the Planning Commission against this. However, they could not and did not discuss how they were going to vote. What they could do was meet in twos and talk to DeGolian and find out from the Planning Commission minutes what the objections were and how they could be resolved. If he believed in his heart of hearts that this was a worthwhile effort, he would try to

overcome the objections. They were elected to make decisions on what they thought was best for the City. Nothing nefarious had happened. They had not tried to hide anything from the public, and he ventured to say that 99 out of 100 questions that came up at either of those get-togethers had not been discussed at this public hearing.

Ernst agreed that their one-on-one conversations were private, saying it was like him talking to someone at the grocery store.

King moved to approve New Agenda item 09-20-01, the rezoning of 78 acres on SR 54, Governor's Square, and Peachtree Court from GC and R-43 to LUC. Ernst seconded. Motion carried unanimously.

09-20-02 Bid - CIPP Pipe Lining Group A

09-20-03 Bid - CIPP Pipe Lining Group B

City Engineer Dave Borkowski, standing in for Stormwater Manager Mike Madison, said these two projects represented relining of severely corroded pipes. Group A consisted of about 4,500 linear square feet and required cured in place pipe lining due to the smaller diameter. Eight bids were received, with IPR, Inc., submitting the low bid of \$490,121.50. Staff recommended approval of that bid. Borkowski said the money was available through the Stormwater Renewals and Extensions fund if Council approved the attached budget amendment.

Group B represented almost a mile of cured in place pipe lining. Again, eight bids were received, with IPR, Inc., being the lowest at \$422,877.50. That amount also was available through the Stormwater Renewals and Extensions fund via a budget amendment.

Prebor asked if they were satisfied with IPR? Borkowski said they were.

Had they worked with IPR before? Madden asked. Borkowski did not know, but Rorie said he had asked Madison that question and found out they had.

Madden moved to approve New Agenda item 09-20-02, the bid for CIPP pipelining group A to IPR, Inc., not to exceed \$490,122. King seconded. Motion carried unanimously.

Madden moved to approve New Agenda item 09-20-03, the bid for CIPP pipelining group B to IPR, Inc., not to exceed \$422,878. King seconded. Motion carried unanimously.

Council/Staff Topics

Presentation regarding "Trap, Neuter, Vaccinate and Return" Program

Rorie introduced Fayette County Animal Control Director Jerry Collins, who would present information on the Trap, Neuter, Vaccinate, and Return program. After which, Rorie said he would make a recommendation.

Collins explained that this program allowed volunteers, with the permission of property owners, to trap, spay or neuter, vaccinate and release feral cats as a way of controlling populations. He noted that this program was going on in Fayette County and its cities when he took over the job of director in 2017, but the people that were doing it were violating ordinances on animal abandonment on someone else's property. Actually, he noted, the ordinances called for cats to be restrained when outdoors. If this program were approved, there would be no cost to the County or the cities. Organizations would have to apply for a permit that he would review. The only way they could trap and return the cats would be with the permission of the property owners. If they violated that, the permit would be revoked, and they would fall under the ordinance and be given a citation.

Collins asked Council to adopt an ordinance that was the same as the County's and the City of Fayetteville's. Fayette County Animal Control operated in all the cities, as well as in the unincorporated county, and it was a lot easier if they were all on the same page, he remarked.

Rorie recommended they adopt this and said he would bring the ordinance provisions and the policy provisions with Fayette County back to Council in October.

King moved to convene in executive session to discuss the sale, lease, or acquisition of real estate at 8:02 p.m. Ernst seconded. Motion carried unanimously.

Council reconvened in regular session at 8:09 p.m. King made motion to authorize the City Manager to make an offer to purchase property of Fayette County, not to exceed the price as discussed in executive session. Said offer to be subject to for approval at a future Council meeting. Ernst seconded. Motion carried unanimously.

There being no further business to discuss, Ernst moved to adjourn the meeting at 8:11 p.m. King seconded. Motion passed unanimously.

Martha Barksdale, Recording Secretary

Philip E. Prebor, Mayor Pro Tem

**City Council of Peachtree City
Special Called Meeting Minutes
Tuesday, September 22, 2020
10:00 a.m.**

The Mayor and Council of Peachtree City met for a special called meeting on Tuesday, September 22, 2020. Mayor Vanessa Fleisch called the meeting to order at 10:00 a.m. Others in attendance: Terry Ernst, Mike King, and Phil Prebor. Kevin Madden was absent.

New Agenda Items

09-20-04 Master Lease-Purchase – Lease Schedule #4

Assistant Finance Director Kelly Bush began her address to the Council by saying that this is done every year. We did a Master Lease Agreement with Bank of America four years ago and every year we finance our capital equipment purchases. This year, the total amount is \$1,719,917.20 and the interest rate is 1.2622. Bush just needs the Mayor and Council to approve and to sign the needed documents. Fleisch asked if there were any questions, and with none raised, she asked for a motion on the Master Lease. Ernst made the motion to approve new agenda item 09-20-04, the Master Lease-Purchase – Lease Schedule #4 in the amount that Kelly has stated. Prebor seconded. Motion carried unanimously.

09-20-05 Official Intent Resolution (Reimbursement Resolution) Government Finance Corporation, Inc. Lease/Purchase

Bush explained that this is setting us up to do this again next year. This is for items that were approved in the Budget Resolution for FY2021 for equipment purchases, and it is an amount not to exceed \$2,600,000. Fleisch asked if there were any questions, and with none raised, she asked for a motion. King made a motion to approve new agenda item 09-20-05, the Official Intent Resolution (Reimbursement Resolution) Government Finance Corporation, Inc. Lease/Purchase. Ernst seconded. Motion carried unanimously.

Fleisch asked if there was anything else from either Bush or Finance Director Paul Salvatore. Salvatore noted that we have to rebid since this is the last draw. Looking to negotiate with Bank of America, but will evaluate options to see if others are doing multi-year master lease agreements. Last time, Bank of America was the only one that would go out more than a year at a time and they do it based on a formula, which is based on an index. Fleisch asked if the interest rate float on it? Salvatore answered that it is based on ten-year treasury +/- certain basis points. The four-year historical rate is around 2.12, due to the tax-exempt government interest rate. Fleisch reiterated that we will have to bid it out next year. Salvatore told her that Bank of America is willing to negotiate an extension, but he has asked the city financial advisor to do due diligence to see what other options there might be. However, if we change, there will be legal fees involved to set up the new agreement. Ernst asked for a guess on what the legal fees could be, and Salvatore responded by saying that he would have to look at what it was last time, maybe \$15,000 - \$20,000, so any possible savings by going with another company could get eaten up by legal fees.

Fleisch confirmed that that we are only of months into the suspension of GEFA? Salvatore said it should resume January 1, 2021.

There being no further business to discuss, Ernst moved to adjourn at 10:08 a.m. King seconded. Motion carried unanimously.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

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

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

DATE: August 13, 2020

SUBJECT: Budget Amendment – Fiscal Year 2021 – Assistant City Manager /
Public Services Director

October 1, 2020 City Council Consent Agenda

Recommendation:

That City Council approve the attached budget amendment to the fiscal year 2021 budget resolution.

Discussion:

Attached please find budget amendment 21-01 to allocate funds for the Assistant City Manager / Public Services Director position.

Budget Impact:

The proposed budget amendment will increase both revenue and expenditures in the General Fund by \$91,014.

Attachments

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 21-01

DATE 10/01/2020

[illegible]

NOW, THEREFORE, BE IT RESOLVED that this Council hereby amends the Fiscal Year 2021 budget resolution to allocate funds for the Assistant City Manager / Public Services Director beginning 01/01/2021.

Entered

Approved

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

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

DATE: August 13, 2020

SUBJECT: Budget Amendment – Fiscal Year 2021
October 1, 2020 City Council Consent Agenda

Recommendation:

That City Council approve the attached budget amendment to the fiscal year 2021 budget resolution.

Discussion:

Attached please find budget amendment 21-02 submitted for your approval. Budget amendment 21-02 requests the carryover of 2020 funds budgeted for goods ordered but not received or projects started but not completed by September 30, 2020. Following is a summary of the carry-forward adjustments:

1) Pension contributions budgeted in fiscal year 2020 but not completed by September 30, 2020; 2) Contract Labor for replacement of full time position in information technology; 3) License Plate reader for police department that was ordered but not received by the end of the fiscal year; 4) General Administration Contingency; and 5) Professional Services for Bathymetric Survey of Lake Peachtree budgeted but not completed by September 30, 2020.

Budget Impact:

The proposed budget amendment will increase both revenue and expenditures in the General Fund, the Stormwater fund, and the Amphitheater Fund in fiscal year 2021.

Attachments

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 21-2

DATE 10/01/2020

ACCOUNT	PROJECT	DESCRIPTION	INCREASE	DECREASE
565-0000-389025		Surplus Carryover	140,000	
521-0000-389025		Surplus Carryover	19,800	
100-0000-389025		Surplus Carryover	677,119	
100-1320-51-2400		Retirement	1,414	
100-1540-51-2400		Retirement	4,242	
100-1580-51-2400		Retirement	1,414	
100-2650-51-2400		Retirement	5,656	
100-1511-51-2400		Retirement	6,717	
100-1517-51-2400		Retirement	1,414	
100-1535-51-2400		Retirement	1,414	
100-3210-51-2400		Retirement	143,700	
100-7450-51-2400		Retirement	2,828	
100-3510-51-2400		Retirement	152,838	
100-3600-51-2400		Retirement	2,143	
100-4100-51-2400		Retirement	36,870	
100-1565-51-2400		Retirement	5,656	
100-1575-51-2400		Retirement	4,242	
100-1566-51-2400		Retirement	38,178	
100-6110-51-2400		Retirement	7,070	
100-6122-51-2400		Retirement	1,414	
100-6510-51-2400		Retirement	8,484	
100-7410-51-2400		Retirement	4,242	
100-7545-51-2400		Retirement	4,383	
100-1535-523850		Contract Labor - Information Tech	58,000	
100-3210-542050		Machinery and Equipment - Police	19,800	
100-1505-579135		Contingency - General Admin	140,000	
100-1310-521200		Professional Services - M & C	25,000	
521-4250-51-2400		Retirement	8,484	
565-6180-51-2400		Retirement	212	
321-4220-51-2400	SP17-026	Retirement	6,985	
321-4220-511100	SP17-026	Regular Salaries		6,985

NOW , THEREFORE, BE IT RESOLVED that this Council hereby amends the Fiscal Year 2021 budget to carryforward funds budgeted in Fiscal Year 2020 for goods and services not received or completed by September 30, 2020 - the last day of the fiscal year.

Entered _____

Approved _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: Jonathan N. Rorie, City Manager 

DATE: 09/15/2020

SUBJECT: Consider Appointment of Planning Commission Members
Consent Agenda, October 1, 2020

Recommendation:

Appoint Paul Gresham as a member to the Planning Commission Board for the term stated 10/1/2020 thru 9/30/2023 and appoint Rick Mendenhall as an Alternate member to the Planning Commission Board for the term stated 10/1/2020 thru 9/30/2021.

Discussion:

After advertising for the open position, the appointing authority decided to recommend re-appointment of Paul Gresham and Rick Mendenhall to the planning commission.

Budget Impact:

This item should have no budgetary impact.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie, City Manager 

FROM: Lora Hooks, Senior Planner 

DATE: September 22, 2020

SUBJECT: Public Hearing: Consider Variance Request, LUR-12 Zoning Rear Setback Requirement, 1009 Saranac Park
October 01, 2020 City Council Meeting

Discussion:

The Applicant is requesting relief in the form of a variance from the rear setback requirement [Section 1013.12(g)] of the LUR-12, Limited Use Residential zoning district which requires a minimum rear building setback of 20 feet. The Applicant proposes to construct a covered patio, encroaching into the rear setback by approximately 7.5 feet. The existing home is in compliance with other LUR-12 setbacks.

As part of the application, the Applicant has included a justification narrative, site plan showing the proposed improvement in relation to the rear property line, a colored rendering of the proposed structure, and letters of support from adjacent property owners.

Variance Consideration

In accordance with Section 1202 of the Zoning Ordinance, variances shall only be granted if:

- (a) Relief, if granted, would be in harmony with, or could be made to be in harmony with, the general purpose and intent of the zoning ordinance; or
- (b) The application of the particular provision of the zoning ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Variance Criteria

Section 1207 of the Peachtree City Zoning Ordinance states the City Council shall not grant a variance unless all of the following findings can be made:

1009 Saranac Park Variance Request

Page 2

- (a) *There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;*

Staff Comment: There are no special circumstances applicable to the property. While the lot is small, seventy percent of the lots in this zoning district are similar in size with similarly sized dwellings.

- (b) *The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;*

Staff Comment: No evidence of practical difficulties or unnecessary hardship was presented as part of the application.

- (c) *There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;*

Staff Comment: There are no exceptional or extraordinary circumstances on the property that don't also apply to other lots zoned LUR-12.

- (d) *The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district;*

Staff Comment: Granting this variance would constitute the granting of a special privilege inconsistent with the setback requirements on other property in the same zoning district.

- (e) *The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and*

Staff Comment: Granting of a variance in this case would not be detrimental to public health, safety, or general welfare. The applicant has the support of adjoining property owners that would be most impacted should the addition be constructed as proposed.

- (f) *The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.*

Staff Comment: Granting of the variance would not create any significant inconsistencies with the Comprehensive Plan, which encourages the protection of the character of existing neighborhoods as well as the redevelopment and reinvestment within neighborhoods.

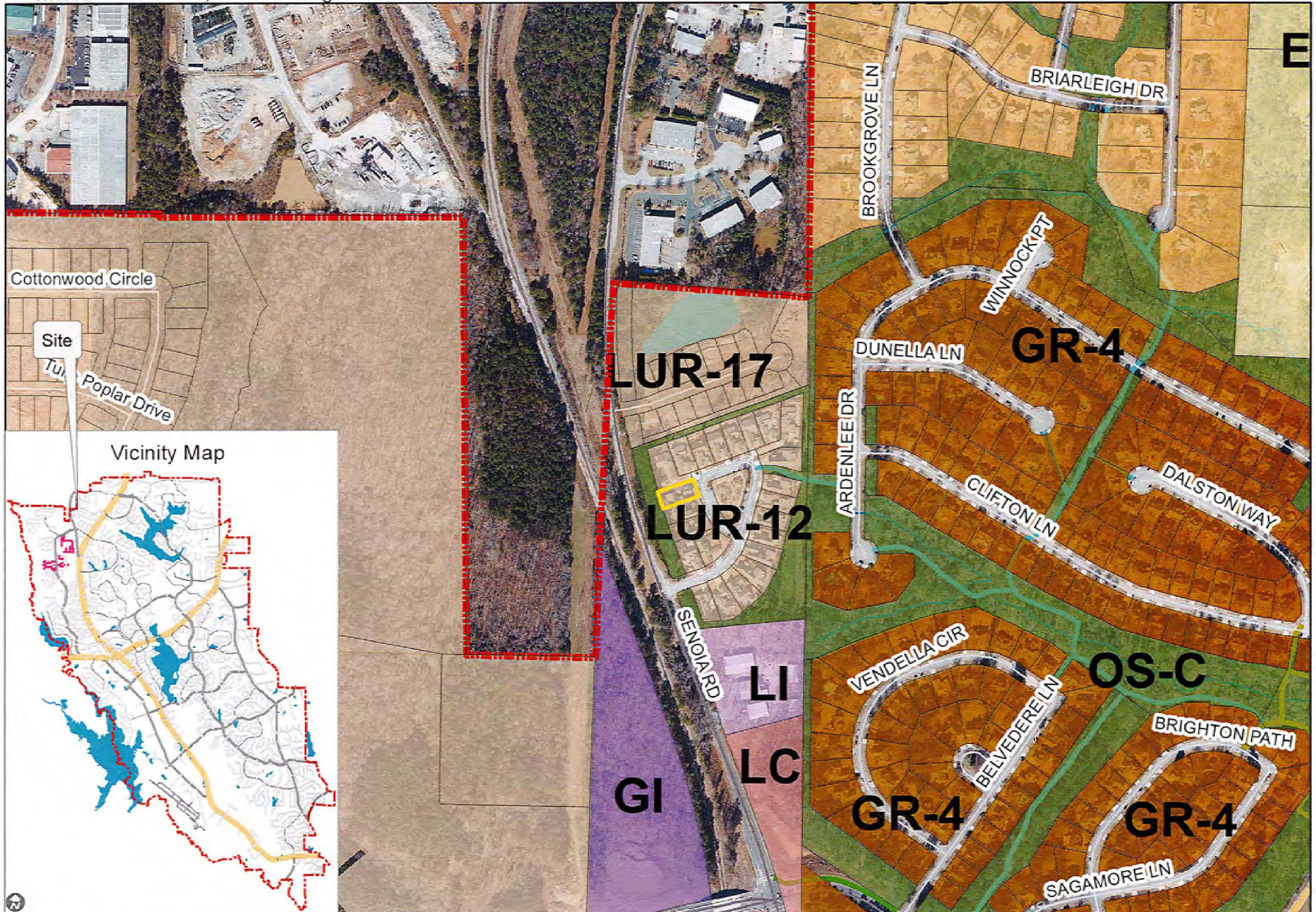
1009 Saranac Park Variance Request

Page 3

Budget Impacts:

The variance does not create any impacts on the City's budget.

ATTACHMENTS





105 Guthrie Way
Peachtree City, Ga. 30269
(770) 487-9618 Office
www.innovativepoolandspa.com

8/25/20

To Whom it May concern

Reference:

Rear set back variance request for new covered patio:

1009 Saranac Park
Peachtree City, GA. 30269

John & Rita Horton
678-576-0395

John & Rita Horton are requesting a rear setback variance to build a new covered patio per attached plans. Innovative Pool and Spa as a licensed builder will be performing the work. HOA and neighbors have approved said work & documents are provided for your review.

The reason for requested setback variance is to utilize our rear yard to its fullest. There is currently a rock drain bed in the center of the yard and will remain as this water flows from side neighbors through our yard.

There will be NO disturbance to the existing city green belt behind said property.

Innovative Pool & Spa
Eric Brooks/Owner

**LOT 19
SARANAC**
PLAT BOOK 44, PAGES 187-188.

LINE	ARC	CHORD BEARING	RADIUS	CHORD
C1	60.18'	N16°12'27"W	2443.89'	60.18'

Proposed 16.6' x 21.3' covered patio structure.

LEGEND
R/W RIGHT-OF-WAY
B/L BUILDING LINE
SQ.FT. SQUARE FOOT

This survey is subject to all easements, restrictions, and right of ways, shown or not shown, recorded or not recorded.

This plat was prepared for the exclusive use of the person, persons, or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

In my opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.

No: 13113C 0086 E
Dated: SEPTEMBER 26, 2008

CITY GREENBELT
50.00'

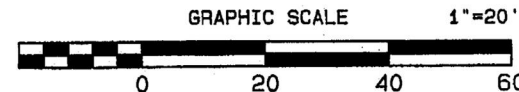
1/2" REBAR FOUND

C1

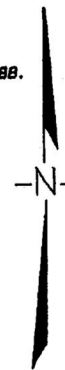
1/2" REBAR FOUND

PREPARED FOR
CHADWICK HOMES
LAND LOT 153, 7TH DISTRICT
FAYETTE COUNTY, GA.
CITY OF PEACHTREE CITY
SCALE: 1" = 20'
DATE OF DRAWING: 11/26/08

CLOSURE DATA
FIELD CLOSURE = 1" : 10,000+
ANGLE POINT ERROR = < 10"
EQUIPMENT USED: E.D.M. & THEODOLITE
ADJUSTMENT METHOD: NONE
PLAT CLOSURE = 1" : 100,000+



NORTH BASED ON
SUBDIVISION PLAT
PLAT BOOK 44, PAGES 187-188.



LOT 18
VACANT

127.69'

LOT 19
7793 +/- SQ. FT.

FOUNDATOIN
LOCATION

LOT 20
EXISTING
HOUSE

1/2" REBAR FOUND

5' UTILITY EASEMENT

SARANAC PARK
(50' R/W)

"X" SET ON
POWER BOX

188.11' TO THE R/W OF
SARANAC PARK (50' R/W)

Land Surveyors - Planners
160 GREENCASTLE ROAD SUITE B TYRONE, GA 30290
PH. 770-486-7552
Fax 770-486-0456

W.D. GRAY

AND ASSOCIATES, INC.

Job No: 0810023



CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council Members

VIA: Jonathan Rorie, City Manager 
Paul Salvatore, Director of Financial Services *P.S.*
Angela Egan, Purchasing Agent 

FROM: Joe O'Connor, Fire Chief 

DATE: September 15, 2020

SUBJECT: Authorization to Purchase Aerial Fire Apparatus
October 1, 2020 *City Council Agenda*

RECOMMENDATION:

Staff requests authorization from the Mayor and City Council for the brand name purchase of one KME Aerialcat Tower/Ladder from FireLine, Inc. of Winder Georgia for a total price of \$1,132,950.00 declaring the department's existing 2001 Aerial as surplus and authorizing the Fire Chief and City Purchasing Agent to dispose of in the manner deemed most advantageous to the City.

DISCUSSION:

A dedicated working group of members of the Fire Department undertook an extensive side-by-side comparison of aerial fire apparatus in order to evaluate which manufacturer's product would best meet the fire protection needs of the citizens of Peachtree City at the best value. The KME Aerialcat met all requirements of committee members in all categories evaluated. The apparatus we seek to purchase was built in 2019 as a demonstration model that currently has 18,762 miles. Because of this, the manufacturer has offered the apparatus at a price below what it would cost to construct with all original warranties in effect.

Budget Impact:

The 2017 Special Local Option Sales Tax approved by the voters identified the replacement of one of our existing aerial apparatus as project number 32.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: Jonathan N. Rorie *JB (by SL)*
City Manager

FROM: Robin Bechtel Cailloux, AICP *Robin Cailloux*
Director Planning & Development

DATE: September 21, 2020

SUBJECT: Step One Annexation request, about 52 acres on Stagecoach Road and Spear Road
October 1, 2020 City Council Meeting

Request:

Michael Hyde, the Applicant, has submitted a Step One Annexation application for about 52 acres located at the end of Stagecoach Road and on Spear Road. The applicant is requesting to annex into the City and rezone to Limited Use Residential (LUR) in order to develop two (2) subdivisions with a total of 29 lots.

The western subdivision would consist of eight (8) lots and have access to Stagecoach Road only. The average lot size of this subdivisions is 1.5 acres. The eastern subdivision would consist of 21 lots and have access to Spear Road. The average lot size of this subdivision is 1.9 acres. Path connectivity is shown between the two subdivisions, but there will be no vehicular connection. The Applicant's proposed subdivision plan is attached to this memo.

The requested annexation territory is adjacent to the eastern border of the City and is located on both the east and west sides of Camp Creek. The area is not within the 2014 Growth Boundary limits studied for potential annexation. Attachment 1 shows the location of the requested annexation territory. Attachment 2 displays the County's Future Land Use for this property, which is designated as Environmentally Sensitive areas and for Rural Residential development with lot sizes of at least 3-acres.

Overview:

The City has adopted a two-step annexation process. Step One is intended to identify how the proposed annexation complies with the established goals of the City's Comprehensive Plan. Approval of a Step One application does not indicate City Council support of the proposed annexation; it simply allows an applicant to proceed with a Step Two application.

Staff has reviewed the application to ensure that it complies with the Georgia Annexation Law requirements. The applicant is applying under the 100% method of annexation, which requires that 100% of the property owners agree to the annexation. The application meets these requirements.

Step One Annexation Application – Spear Road

Page 2

Peachtree City's Comprehensive Plan Goals:

Staff have identified the following goals and policies from the City's Comprehensive Plan that are applicable to the applicant's request:

Natural Resources

- *Protect lakes, wetlands, major streams, and minor drainage systems by preserving these areas in permanent open spaces.*

Staff Comment: Most of the lots are shown extending to Camp Creek, incorporating much of the environmentally sensitive lands into private ownership. Three lots of greenspace containing the Camp Creek major tributaries are carved out for ownership by the Home Owners Association.

Land Use & Development Patterns

- *Develop and redevelop land in the City based on the village concept and stepping down intensity toward the City's boundaries*

Staff Comment: The average lot size (1.8 acres) is smaller than those lots in the immediate area within the City limits, and therefore does not meet this policy standard. The Hyde Park subdivision (located to the northeast along Carriage Lane) has an average lot size of 2.1 acres; and the Little Creek subdivision (located to the southeast on Spear Road) has an average lot size of 3.8 acres.

Economic Development

- *Continue to require developers to provide necessary infrastructure in their developments*

Staff Comment: If annexed and developed in the City, the Applicant will be required to include public roads, water, and stormwater infrastructure meeting the City standards.

Transportation

- *Encourage alternative modes such as walking, bicycling, and driving golf-carts by providing a comprehensive system of multi-use paths and facilities.*

Staff Comments: The multi-use path system is a cornerstone of the Peachtree City lifestyle, and path connectivity is required per the City's Land Development Ordinance. The applicant is showing path access from the eastern subdivision to Stagecoach Road via a 20-foot easement. The Applicant will be required to construct these paths, likely using a bridge or culvert over Camp Creek, during development.

Housing

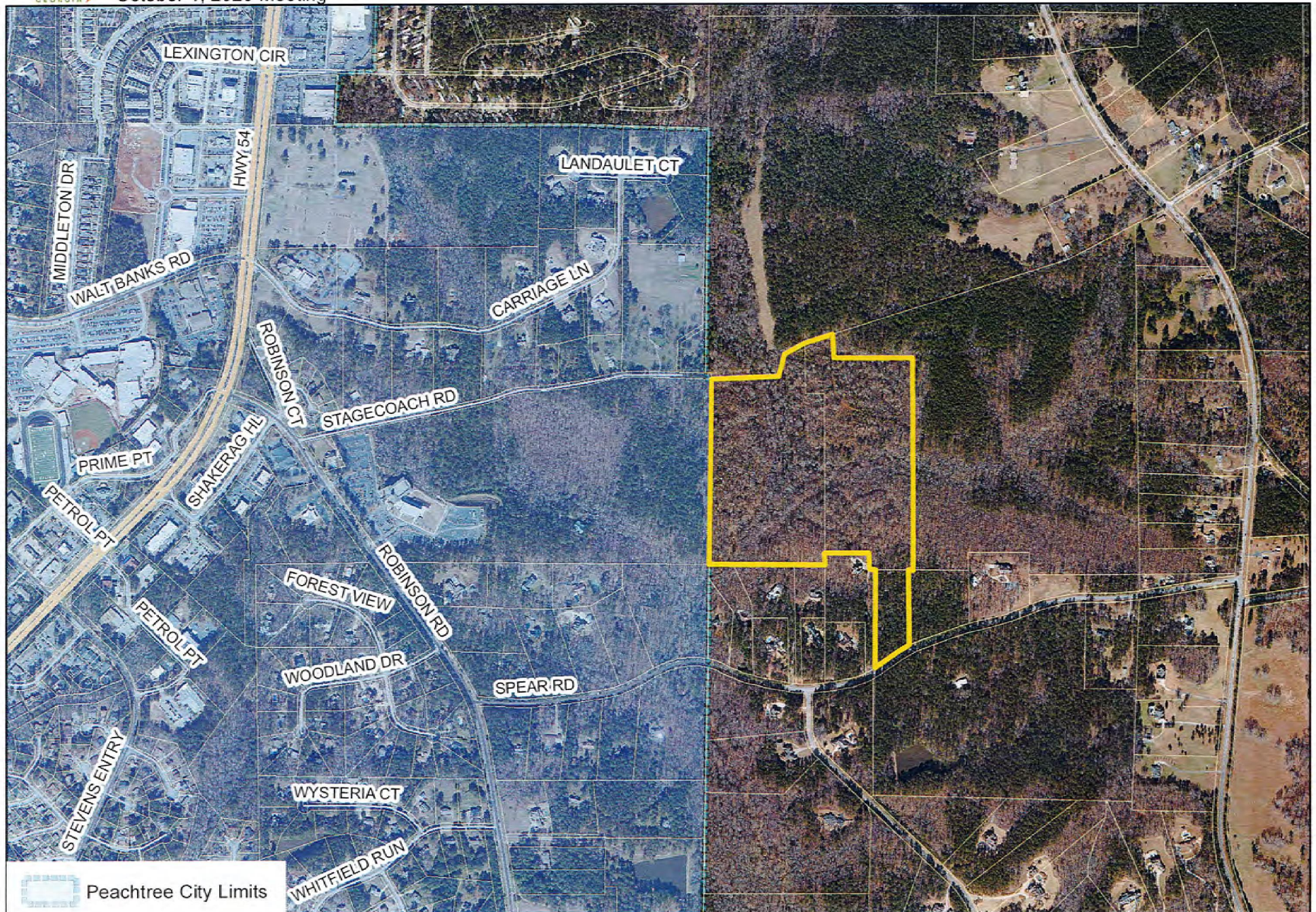
- *Provide a broad range of housing opportunities with an appropriate mix of homes regarding size, type, price, and location in order to meet the needs of people of all life stages and abilities.*

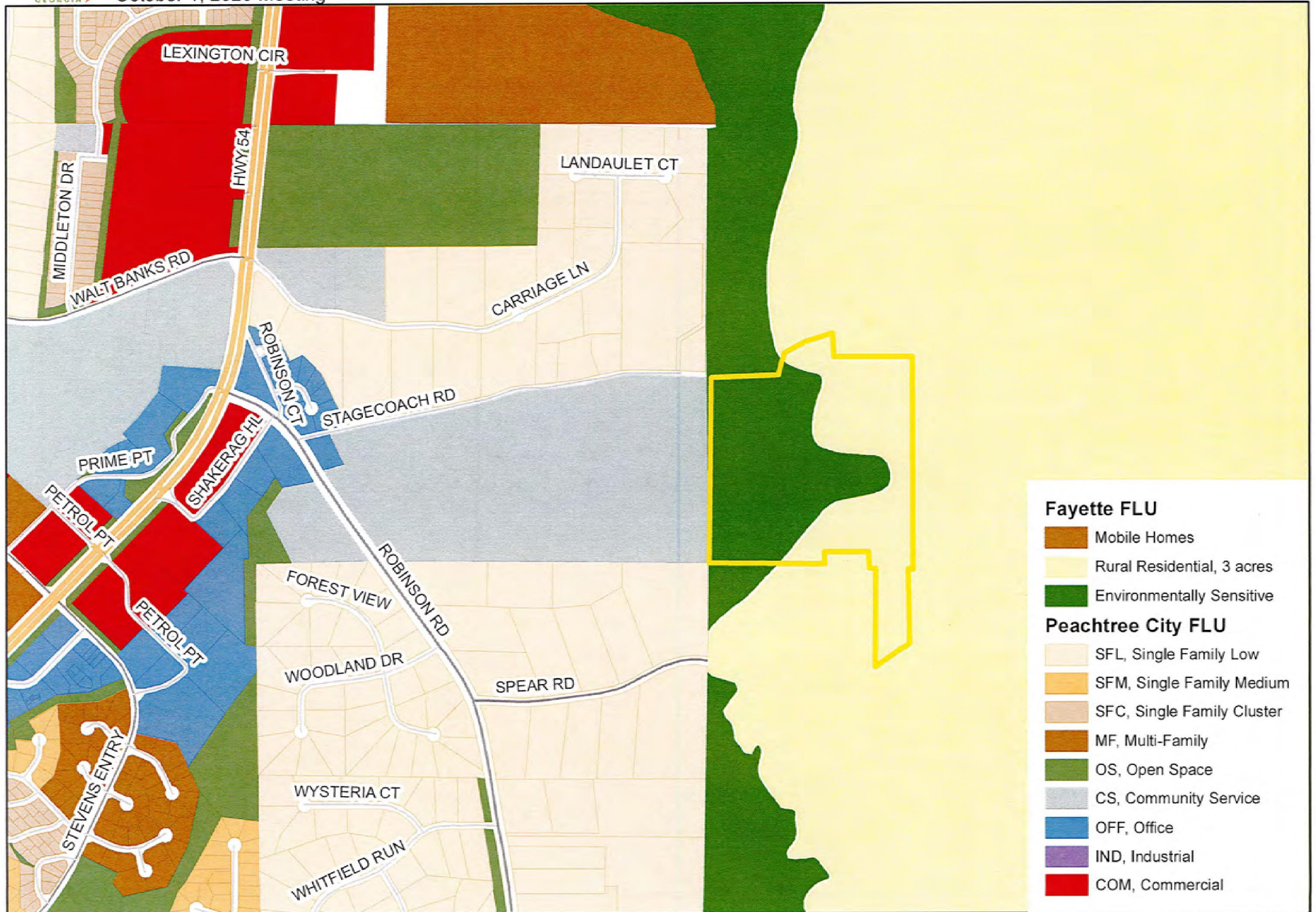
Staff Comments: The Applicant is proposing 29 large-lots for custom-built homes.

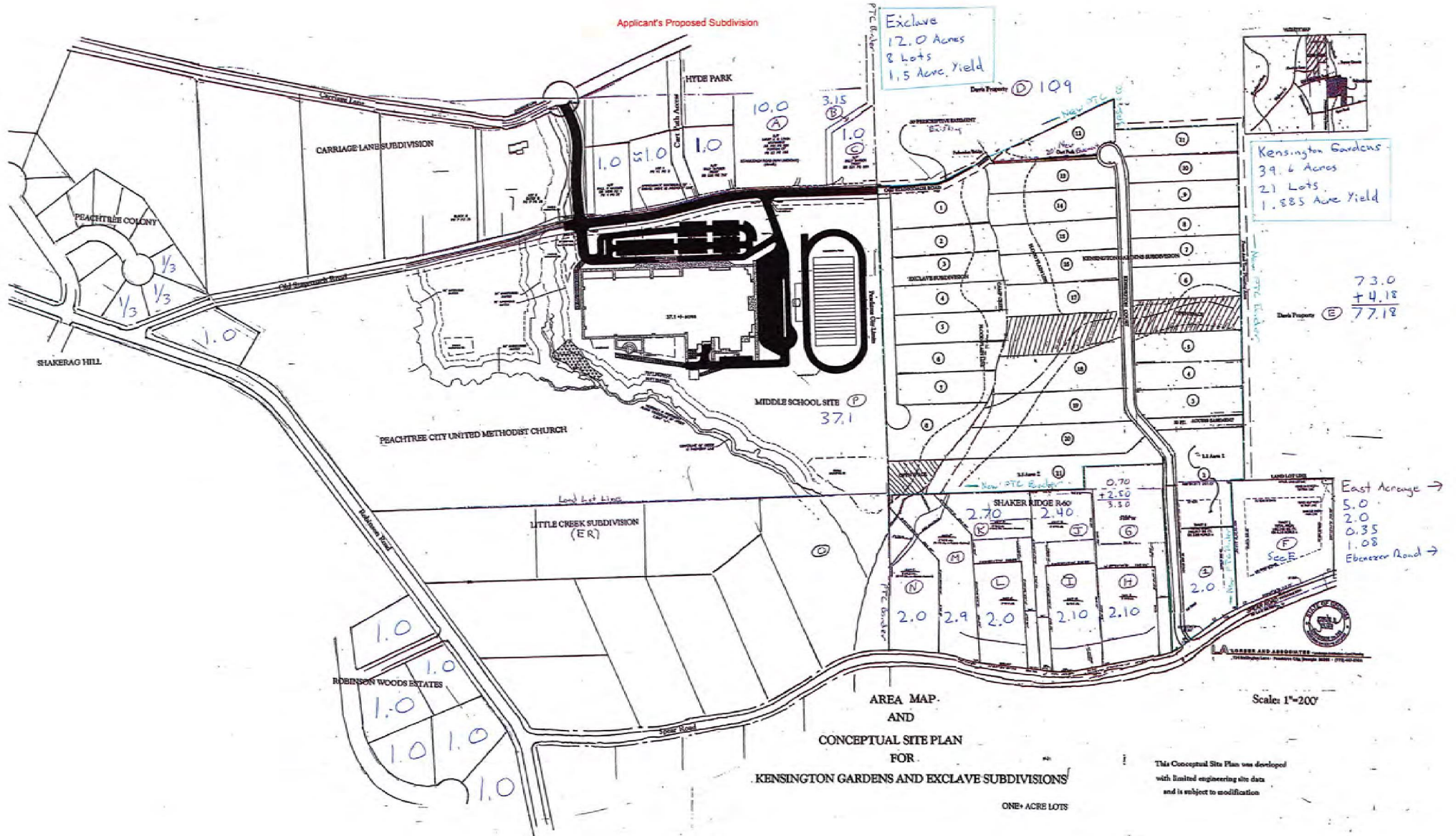
Community Services & Facilities

Staff Comments: The City's public safety departments (Police & Fire) do not serve these properties currently. Access to the Stagecoach subdivision will be past the new Middle school, which is served by Peachtree City services currently. However, access to the Spear Road subdivision will require that public safety service vehicles must exit the City and enter unincorporated County before returning back into the City to respond to calls.

If the Step One Annexation Application is approved by City Council, the Applicant must submit a Step Two Annexation Application within one (1) year. The Step Two Application begins the State's Annexation Process. Budget impacts associated with an annexation are assessed during the Step Two review process.







Applicant's Narrative

STEP ONE ANNEXATION AND ZONING NARRATIVE FOR KENSINGTON GARDENS AND EXCLAVE SUBDIVISIONS

NATURAL RESOURCES:

The subject property borders the west and east side of Camp Creek. Of the total 52 acres, approximately 12 acres is inside floodplain and wetland delineation, or approximately 23%. These acres would be protected by State and local ordinances as well as deed restrictions and land covenants imposed by the development.

LAND USE AND DEVELOPMENT PLATS:

The proposed development adheres to low-density housing land use for the eastern portion of the City. Inside the City, numerous one (1) acre parcels exist along portions of Old Stagecoach Road used to access a portion of this property. To the south of this proposed development, immediately adjacent R-60 (1 ½ acre) County zoning applies to the “Shaker Ridge” subdivision along Spear Road, and multiple other lots under 2 acres exist along Spear Road between Robinson and Ebenezer Roads. One (1) acre and larger is considered low density per definition in the Land Use Plan, and all lots in this development are one (1) acre or larger while several are well over 2 acres. The Exclave, closer to the City, has a yield of 1.5 acres per lot, and Kensington Gardens, getting further away from the City, grows to a yield of 1.885 acres per lot. All the proposed lots bordering the 8-parcel, R-60 “Shaker Ridge” subdivision are in excess of 2 acres per lot.

ECONOMIC DEVELOPMENT:

Being only a residential development, the ad valorem taxes and miscellaneous development fees on the individual lots and homes would be contributing factors to City finances, in addition to future resident local spending.

TRANSPORTATION:

The development is divided into two segregated access points. On the west side of Camp Creek (Exclave Subdivision), the access will be on Stagecoach Road out to Robinson Road, with additional paved access to Carriage Lane out to Highway 54. On the east side of Camp Creek (Kensington Gardens), the access will be a new street connecting to Spear Road. Golf cart access for Kensington Gardens will use a 20' Old Stagecoach Road easement to cross Camp Creek and connect to the City's path system and the new school – eliminating most/all middle school car traffic from either portion of this development.

HOUSING:

This development will include 29 large, upscale homes equivalent to Smokerise, The Estates, and neighboring Hyde Park. This development offers potential homeowners an alternative to the cluster homes subdivisions dominating the current housing market.

COMMUNITY SERVICE AND FACILITY:

This development has access to the public water system from both Spear Road and Stagecoach Road. Public sewer access could potentially service this development through the adjacent, under construction, middle school site with proper coordination and approval from the Peachtree City Water and Sewer Authority and the Fayette County Board of Education. However, the property has more than adequate soil conditions to allow individual septic systems. Fire and Police service are within a reasonable response time with easy access from Highway 54 and Spear Road.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

FROM: Jonathan N. Rorie, City Manager 

DATE: September 10, 2020

REQUEST: Amendment to Chapter 14 – Animals and Fowl to add the TNVR program and provide consistency between the City and the County
October 1, 2020 City Council Agenda

Recommendation:

Staff recommends that Council adopt the Trap, Neuter, Vaccinate, and Release ordinance updates to the City's Code of Ordinances.

Discussion:

As a part of the Service Delivery Strategy between Fayette County and Peachtree City, the County provides Animal Control services within the City. The County has adopted a Trap Neuter, Vaccinate, and Return (TNVR) program to help control the feral cat population. The proposed ordinance amendments recognizes the TNVR program and allows Fayette County Animal Control to issue TNVR permits within Peachtree City limits.

The County has adopted a Policies and Procedures document for the Operational Functions of the TNVR program, including permit application requirements and permit revocation procedures. This policy document may be updated from time to time as the Fayette County Board of Commissioners sees fit. The proposed ordinance allows those updates to go into effect without any required action on behalf of the City Council.

Updating the City's Animal Control ordinances ensures consistent delivery of Animal Control services from Fayette County within Peachtree City borders.

Budget Impacts:

There are no budget impacts associated with the adoption of this ordinance.

Ordinance Number 1182 (TNVR)

**AN ORDINANCE TO AMEND THE PEACHTREE CITY ORDINANCE
TO ENACT PROVISIONS PERTAINING TO TRAP, NEUTER,
VACCINATE, AND RETURN PROGRAM (TNVR); TO REPEAL
CONFLICTING ORDINANCES; TO PROMOTE THE PUBLIC HEALTH,
SAFETY, AND WELFARE; AND FOR OTHER PURPOSES**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, AND IT IS HEREBY ORDAINED by authority of the same that:

Section 1. The Peachtree City Code of Ordinances Chapter 14, Domestic Animal Control, be amended to amend Section 14-31. – Definitions, as follows:

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:

Abandoned animal means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where the animal may be found or kept.

Animal at large means any animal not under restraint and off the property of its owner.

Animal control agency or Animal Control shall mean any agency or person, including an animal control officer, authorized by law to implement animal control laws and provide animal care on behalf of the City.

Animal shelter means the facility designated by the board of commissioners of the county for the detention of animals.

Animal shelter officer means any person so designated by the animal shelter director to perform the duties prescribed by this article.

Animal under restraint means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or an animal confined within a vehicle, parked or in motion.

Animal welfare organization shall mean any organization or corporation whose purpose includes promotion of animal welfare and that has been granted 501(c)(3) nonprofit status by the Internal Revenue Service.

Community cat shall mean any feral or free roaming cat that has been sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped.

Companion animal means a domesticated animal kept for pleasure rather than utility. Pets include but are not limited to birds, cats, dogs, hamsters, horses, mice, reptiles, domesticated wild animals, exotic animals and other animals associated with man's environment.

County shall mean Fayette County, Georgia.

Director means the animal shelter director.

Domesticated animals means animals that are accustomed to living in or about the habitation of ~~humans~~ ~~men~~, including but not limited to cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned and is only applicable to this article and in no way affects the meaning or application of a definition of the described animal, as may be found in any other ~~county~~ city ordinance.

Ear tip shall mean a mark identifying a feral or free roaming cat as having been sterilized, specifically the removal of a quarter-inch off the tip of the cat's left ear in a straight line cut while the cat is anaesthetized by a veterinarian.

Feral cat shall mean a cat this is not socialized to humans, having been born in the wild or not socialized, and is not an owned cat, and that typically avoids human contact.

Free-roaming cat shall mean a cat that is not owned and is not cared for by a sole person that may or may not avoid human contact.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

Owned cat shall mean a cat that is a companion to a person, is regularly fed and sheltered in the same person's habitation, and displays signs of ownership, including a collar or tag or microchip.

Owner means any person who owns, keeps, harbors or acts as custodian of a domesticated animal.

Permit shall mean a certificate issued to a person or organization authorized to conduct INVR activities.

Public nuisance means any animal which:

- (1) Is found at large in violation of [section 14-32](#);
- (2) Is vicious; and for the purpose of this section an animal shall be considered vicious if it attacks without provocation any human being or other domesticated animals;
- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the city;
- (4) Attacks passersby or passing vehicles; and

- (5) Is inimical to the public health, welfare or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated in and made a part of this article as if fully set out.

Any person that knowingly keeps, owns, harbors or acts as custodian of an animal constituting a nuisance shall be guilty of an unlawful act and shall be punishable as provided in this article.

Sterilize shall mean to spay or neuter.

Trapper shall mean a person or organization that has been authorized by policy to conduct the humane trapping of program cats.

Trap, Neuter, Vaccinate, and Return or TNVR shall mean a program pursuant to which feral and free-roaming cats are trapped, sterilized, vaccinated against rabies, ear-tipped and returned to the location from where they were captured.

Vicious animal means any animal which constitutes a physical threat to human beings or other domesticated animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered vicious and not under restraint if it makes an unprovoked attack on other domesticated animals that are under restraint or on human beings or on physical property of another.

Section 2. The Peachtree City Code of Ordinances Chapter 14, Domestic Animal Control, be amended to amend Section 14-35. – Enforcement, as follows:

- (a.) *Responsibility.* The primary responsibility for the enforcement of this article shall be vested in the director of the county animal shelter and the city police department pursuant to a contract for enforcement entered into between the city and county on October 23, 1980. The director may, in the exercise of his authority as the director, delegate the enforcement responsibilities of this article to such county employees as he may select.
- (b.) *Complaints.* If a violation of this article has not been personally witnessed by the director or his authorized representative or other employee of the county, a subpoena shall be issued to the person making the complaint to be and appear on the day and time set for trial, then and there to testify on behalf of the city. The director shall refuse to respond to anonymous complaints.
- (c.) *Impoundment of animal in certain cases; disposal in an humane manner after certain period of time.* If the owner of any dog or animal is unknown and the dog or animal is upon the public streets, alleys, sidewalks, school grounds, or other public places or premises or the property of another without the property owner's permission, as prohibited by this article, upon complaint made to or information made known to the animal shelter, it shall be the duty of the director or his authorized representative to immediately take possession of such dog or animal and impound it in the animal shelter. Once impounded, an animal shall be kept for a period of time as defined in [section 14-36](#); thereafter, if the animal is not claimed by anyone after a reasonable effort has been made to locate the owner of the animal as hereinafter provided, the animal may be disposed of in an humane fashion or in accordance with O.C.G.A. § 4-

3-9 et seq. Where the director or his authorized representative is required in this section to take possession of any dog or animal and to impound it, he may use any and all means available.

- (d.) *Director may issue citation in lieu of impoundment.* In all cases of violations of this article, the director shall have the authority to exercise his discretion and may in addition to or in lieu of impounding any animal, issue a citation to the owner of the animal. However, in all such instances where the owner of the animal is known or discovered, the director shall at least issue a citation to the owner. The citation shall state the violation, the name and address of the owner, and the name of the individual issuing the citation. All citations issued by the Fayette County Animal Control Department shall be prosecuted in state court.
- (e.) Any organization or person desiring to conduct a city-wide or targeted TNVR program shall submit a proposal, consistent with the current policy for TNVR, for review by the Director. The Director or his or her designee shall have the authority to approve or deny such proposal. Upon approval of such proposal, the Director may issue a permit to the person or organization to perform a TNVR program in the City for a period of two years. The permit must be renewed at the end of the two-year period and may be revoked at any time. Should the Director revoke the permit, the holder will be notified by mail of the revocation at which time, they will no longer be protected from the violation of this chapter.
- (f.) Any organization of person will be exempt from the Peachtree City Code pertaining to restraint of animals and/or abandonment of animals while participating in all activities consistent with the TNVR program.
- (g.) The City adopts and incorporates herein Fayette County's Policies and Procedures for Operational Functions of Trap, Neuter, Vaccinate, and Return Policy 280.05 as approved and ordained by the Board of Commissioner of Fayette County, Georgia by Ordinance Number 2020-03, dated and adopted May 14, 2020; and in order to maintain consistence between unincorporated Fayette County and the City, the City hereby incorporates herein any further changes, amendments, additions, or deletions to Fayette County's Policy 280.05.

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.

Done, Ratified, and Passed this 1st day of October, 2020.

Vanessa Fleisch, Mayor

Philip E. Prebor, Post 1

Mike King, Post 2

Kevin Madden, Post 3

Terry Ernst, Post 4

Attest: _____
City Clerk