

City Council of Peachtree City

REVISED AGENDA

October 1, 2015

7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Announcements, Awards, Special Recognition
Recognize Scott Hicks – 30 Years of Service
- IV. Public Comment
- V. Agenda Changes
- VI. Minutes
September 17, 2015, Regular Meeting Minutes
Minutes are attached
- VII. Consent Agenda
 - 1. Consider Appointments to the Planning Commission
 - 2. Consider Surplus of Old Freddie the Fire Truck and Andy the Ambulance
 - 3. **Consider Surplus of Vehicles and Other Items**
 - 4. **Consider Acceptance of Traffic Cone Donation**
- VIII. Old Agenda Items
- IX. New Agenda Items
 - 10-15-01 **Public Hearing: Consider Variance Request to Buffer Standards for Major Thoroughfares Ordinance (414, 422, 424 and 426 Robinson RD)**
Applicant seeking to provide 25-foot landscape buffer adjacent to Robinson RD as opposed to 50-foot greenbelt
 - 10-15-02 **Consider Amendment to SAFEbuilt Professional Services Agreement**
Amended agreement attached
 - 10-15-03 **Consider Adoption of Right-of-Way Occupancy Ordinance**
Memo & Ordinance ready
 - 10-15-04 **Consider Authorization for Title Issue – Abandonment of Line Creek Drive**
- X. Council/Staff Topics
- XI. Executive Session
- XII. Adjourn

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
September 17, 2015
7:00 p.m.**

The Peachtree City Mayor and Council met in regular session on Thursday, September 17, 2015. Mayor Vanessa Fleisch called the meeting to order at 7:00 p.m. Others attending: Terry Ernst, Eric Imker, Mike King, and Kim Learnard.

Announcements, Awards, Special Recognition

Recognize Employee of the Month (July) – Joshua White

Mayor Fleisch recognized Firefighter/EMT Joshua White as Employee of the Month (July).

Minutes

September 3, 2015, Regular Meeting Minutes

King moved to approve the September 3, 2015, regular meeting minutes as written. Learnard seconded. Motion carried 4-0-1 (Ernst).

Monthly Reports

There were no comments on the Monthly Reports.

Consent Agenda

- 1. Consider Non-Profit Agreement with Promise Place**
- 2. Consider Non-Profit Agreement with Fayette Senior Services**
- 3. Consider Acceptance of Donation – Decommissioned Bus for Police Department Training/Demolition**
- 4. Consider Annual Reimbursement Resolution – Capital Equipment**
- 5. Consider Call for Special Election – Restoration of Redevelopment Powers**
- 6. Consider Acceptance of Georgia Trauma Care Network Grant**
- 7. Consider Alcohol License – NEW – Crossroads Bar and Grill, 2850 SR 54 West**

Imker moved to pull Consent Agenda item 5 off for discussion. Learnard seconded. Motion carried unanimously.

Learnard moved to approve Consent Agenda items 1, 2, 3, 4, 6, and 7. Ernst seconded. Motion carried unanimously.

5. Consider Call for Special Election – Restoration of Redevelopment Powers

Imker said he wanted to explain what this agenda item meant to the City, adding it would have no budget impact, risk, or commitment of any kind. It would be on the November 3 ballot.

Imker continued that the vote on November 3 was simply to allow future consideration of Tax Allocation Districts (TADs). A TAD was a specific defined piece of land (or lands or area) that could be developed with special tax breaks. The purpose would be to encourage development with a phased in tax assessment over a period of years. Everything would be negotiable. It would be up to a future council to recommend a TAD if one was deemed favorable. Imker noted that the word "recommend" was used because the proposed deal would go to the voters on a future ballot. In fact, it would most likely be a business that would "sell" Council and the citizens on the TAD because of their desire to come to the City.

Imker pointed out that at no time would the tax revenue from the TAD land ever be lower than that land's current non-use assessment. In other words, Imker said the property could sit there doing nothing with no revenue generating ability or the City could encourage development with a negotiated tax profile over several years.

The vote this November 3 had no budget impact nor risk nor commitment of any kind, Imker reiterated. The vote was not recommending a TAD, but was only a procedural process because of state law. A municipality must first vote on the concept before a TAD could be brought forward.

Future votes on an actual TAD would be placed on the ballot after a City Council agenda item defined the TAD, Imker said. All the information would be presented at a Council meeting, and the public would be invited to ask questions and provide input. If the Council voted to add a TAD, the information would be repeated on the ballot in a future election where the voters would have the final say.

Fleisch asked City Attorney Ted Meeker to explain what had happened with this, noting that municipalities did have this power at one time. Meeker said the redevelopment power had been taken away from municipalities by the Georgia Legislature. In order to recapture the powers, there had to be a referendum on the ballot in November. There was not a TAD on the ballot in November. The referendum would simply allow the City to use the redevelopment powers in Title 36, Chapter 44, known as the Redevelopment Powers Law. The law provided a number of things a municipality could do in connection with redevelopment, with one of those things was a TAD. There were other powers granted. Creating a TAD in the future would require another referendum.

Imker moved to approve Consent Agenda item 5. Learnard seconded. Motion carried unanimously.

Old Agenda Items

06-15-08 Discuss/Consider SR 54 West Corridor Study Improvements Design

- **Commerce Drive / Marketplace (Discuss right-in/right-out concept for business input)**

Fleisch said staff had asked to continue this agenda item indefinitely. Learnard moved to continue Old Agenda item 06-15-08 indefinitely. Ernst seconded. Motion carried unanimously.

08-15-07 Public Hearing – Consider Text Amendment to Zoning Ordinance, Accessory Uses

Senior Planner David Rast noted that staff had been tasked with looking at the parking of recreational vehicles on residential property several months ago. The ordinance identified what vehicles could be parked in the yard and where they could be parked. As part of the process, they had looked at covenants and restrictions in the City's subdivisions, adding that those were expiring in many of the neighborhoods. It would also allow the City's Code Enforcement to enforce the restrictions as part of their regular duties.

Rast continued that the amendments included an update on the definition of recreational vehicle and removed the requirement to park a vehicle 20 feet from the rear property line.

The ordinance currently read:

Sec. 908.1. Uses accessory to dwellings:

(l) No trailer, recreational vehicle, travel trailer, camper pick-up coach, motorized home, boat trailer or boat shall be permitted to be parked in front of or at the side of the main building or within 20 feet of the rear lot line, unless same is parked or stored completely within an enclosed garage or roofed carport.

The recommended amendment read:

Sec. 908.1. Uses accessory to dwellings:

(l) The term "recreational vehicles" as used herein shall refer to trailers, recreational vehicles, travel trailers, camper pick-up coaches, motorized homes, boat trailers, boats and personal watercraft (e.g., jet skis, etc.).

Recreational vehicles may be stored on a residential zoning lot within an enclosed garage or carport attached to the primary structure or constructed as a freestanding structure in accordance with applicable building setbacks. The exterior building and roof materials, roof pitch and color scheme of a freestanding garage or carport shall be similar to the building and roof materials, roof pitch and color scheme used on the primary structure on the zoning lot.

Recreational vehicles stored on a residential zoning lot that are not located within an enclosed garage or carport shall be parked in accordance with city ordinances and shall not be located in front of or at the side of the primary structure on the zoning lot.

Rast continued that the Planning Commission recommended approval of the amendments. They had recommended removing some of the vehicles that had been listed in the first paragraph, including motorcycles, mini bikes, scooters, and golf carts.

Ernst noted that recreational vehicles were listed twice in the first paragraph, and he did not like the duplicated wording. Rast said the wording was duplicated, but the term applied to other items.

Fleisch opened the public hearing.

Eric Snell said he agreed the definition should be changed, and he questioned whether utility trailers (the closed in, boxed trailers) were considered recreation vehicles. He would also like the ordinance to specifically note that golf carts were not a part of this, rather than leave it open to interpretation. It would help for clarity,

No one else spoke. Fleisch closed the public hearing.

Imker agreed with Ernst, saying recreational vehicles did not need to be in the sentence twice. He also agreed with Snell, saying there should be a category of items that were allowed. He did not want to fix the ordinance at the meeting. He asked to send the proposed amendment back to staff. King agreed.

Learnard asked if changing second recreational vehicles in the list to RVs would be fine. Imker said it was still the same word. He did not want to nit-pick over a few words, but felt staff could do better.

Fleisch said the proposed changes would affect many people, particularly those who worked in property management, asking if the City should notify renters of any changes. Rast said no. Fleisch said that, in the future, sending a letter could be useful as renters usually had the same kinds of vehicles.

Learnard said the only thing that really happened was golf carts were taken out of the list, and there was wording that required the materials of a structure to match the house. Rast said he supported taking out recreational vehicles if Council wanted to vote at this meeting.

Imker said he would like to see a paragraph on the types of vehicles that were allowed. Rast said staff had taken out buses and commercial vans since they were covered by another

ordinance section. This ordinance only addressed recreational vehicles and where they should be parked. Imker said it was starting to get complicated. He asked what the impact would be.

Code Enforcement Officer Tim Maret said the first paragraph was very close to the original ordinance except for the addition of water craft. Recreation vehicles were listed twice in the current ordinance, with the intent that RVs would be covered. Changing it would not affect anyone since it was the ordinance that the City currently enforced.

Imker asked how many residents could be affected by the amended ordinance. Rast said no one should be impacted currently. The amendments addressed those who wanted to build a freestanding structure for the vehicles. Imker said he did not mind addressing this in two weeks. It could be done better.

Interim City Manager Jon Rorie noted that many of the HOAs in the City no longer existed. There were things in the ordinances that those HOAs had addressed in the past that needed tweaking, and this ordinance was the tip of the iceberg. Rorie said he understood Council wanted to ensure golf carts were excluded and items such as enclosed trailers were included. To ensure clarity, staff could be tasked to look at this and bring it back in two weeks.

Meeker said the public hearing would need to be re-advertised, asking to continue the item until mid-October.

Ernst moved to continue Old Agenda item 08-15-07 until October 15. Imker seconded. Motion carried 4-1 (Learnard).

New Agenda Items

09-15-03 Discuss/Consider Municipal Broadband Initiative

- **Business Plan/Long-term Forecast**

Rorie noted this was a follow-up to the September 8 workshop. The business model had been posted on the website. One of the items out of the workshop was to condense the business model so Council could look at the financing and the business model going forward. It was a very conservative plan/model.

Financial Services Director Paul Salvatore addressed Council, recalling that the City had lost out on Google fiber in 2010, and it had tried to work with AT&T in 2013. The initial feasibility study for the City to have its own municipal broadband began in February. Between February and April, the legislation for the Public Facilities Authority had been changed to allow financing for this type of project, a formal business plan was developed, and due diligence had been done. The due diligence had continued through August, and the plan had been reviewed and adjusted. Council held a workshop on September 8 to discuss and review the business plan.

Salvatore said the project assumptions had been that the types of users/customers would be government (all City facilities), education, medical, utility, and commercial/industrial.

The unfavorable considerations were losing control of the infrastructure, which could become a profit center for private providers that would install fiber at their own pace at locations that best suited their profit motives/business decisions. The City would not receive any fees for leasing the right-of-way for fiber. The City currently collected \$500,000 annually in franchise fees for copper, cable, and telephone, and those franchise fees would disappear as customers switched to fiber. The cost of connecting the City's facilities to broadband were going to increase from \$50,000 to \$70,000 annually next year for partial connectivity (not all City facilities were connected) at sub-gigabit speeds. Further fee increases were pending.

Imker asked what was generating the loss of the franchise fees and why the City would not get fees from the fiber. Salvatore said the law did not provide for franchise fees for data transmitted by fiber. Meeker said the franchise fees did not include internet services, but were strictly for cable television. Those fees had decreased over the years due to satellite dishes. Imker asked what the difference was. Meeker said the City would continue to get franchise fees for cable services that were transmitted over the fiber, but internet using that same fiber was not subject to a franchise fee. In addition, more people were using cell phones and getting rid of their land lines, which led to the decline in the telephone franchise fees.

Salvatore said the favorable considerations included the opportunity to retain and attract businesses, the opportunity to replace lost franchise fees, future financial rewards of infrastructure ownership, mature support industry and public private partnerships, legislative and regulatory environment, the support of property values/wealth, job creation, and the overall improvement of the quality of life for citizens.

Salvatore said the City's fee structure could be developed with pricing that would be beneficial to businesses, adding the City would not have the overhead of a private company. There also might be opportunities to lease the backbone to private carriers that could branch off of it into residential areas, which meant additional lease revenue. Microsite providers could also use the backbone. The problem with most public/private partnerships was the municipality's failure to partner with the right people. Salvatore said the City's current network management firm was very experienced with broadband support (they worked with the City of LaGrange). The City was partnering with the right people. Staff would send out Requests for Proposal to qualified contractors for the construction and planting of the fiber. There had been attacks on municipal broadband networks in the past. Legislation had failed on a state and federal level that would have taken away municipalities' control over their community infrastructure and destiny.

Areas with broadband were more desirable to locate in, Salvatore said. Demand was up, and price was up. Businesses that came to the City because of broadband would bring jobs, and the overall quality of life would improve. Imker clarified that the fiber could be available to residents with the right participation. Salvatore said NuLink was laying fiber in the City, as was Comcast and AT&T. These companies would be competing with each other for residential customers.

Salvatore looked at the 20-year financial model, which he said was based on very conservative assumptions. The model was based on 29 customers, and it included positive gain and a 10-year bond pay-off, with positive cash flow in years 16 – 20. Salvatore reiterated the model was very conservative and could generate more money that could be used to expand the infrastructure and to support administrative overhead in the General Fund. Bond interest would have to be paid right away, but principal payments would be delayed 24 months. There would be some upfront costs that needed to be capitalized, such as the bond issuance expense, reimbursement for out-of-pocket funds, and the first year operating loss, which was common practice in a utility. Salvatore said his financial model come out the same as the model in the business plan.

Allen Davis of Community Broadband noted the City would pay a service provider \$70,000 for data connectivity in the new fiscal year. The first year in the plan, the equivalent of eight users comparable to the City were needed to support the revenue stream. He continued that, in 10 years, the City would probably have more customers than projected based on contact with potential customers and their expressed needs. Demand and use would increase.

Imker said the greatest fear he had was the revenue would not meet the projections, either because there were not as many customers as anticipated or one of the private carriers would steal customers away. He asked if there was data that showed that kind of profile.

Davis said the important thing was whether or not Council believed the assumptions were achievable. Davis continued that 76 businesses had been identified as potential enterprise customers (high-end user category), asking if Council believed they could get 12 or more of those businesses as customers. If the potential customers had said they were getting the service they needed, with a reasonable price point, then he would have said they saw no need for municipal broadband. However, 100% of the businesses that responded to their requests said exactly the opposite. The demand had surprised him, and the existing customer base was very positive about becoming a user of the City's broadband. Davis said that made him confident. The plan had to be executed and managed properly, with service at the level the businesses expected. Considering the support people on staff, the high concentration of potential users, and the size of the system (which was relatively small at 22.5 miles), the plan could easily be accomplished.

King asked how long the process would take, and what would keep other vendors from going to those 12 businesses. Davis said they could. King asked how close they were to fiber. Davis said the companies had not shared what network they used. Imker was concerned the competitors could beat the City's fees. Davis said the suggested rate structure came from the market place, and it approached the wholesale cost at this point. The other companies had established rates. Imker said his concern was a competitor would price the usage so low that it would put the City out of business.

Davis said he had taken those competitors to the Justice Department and Federal Communications Commission, and it involved anti-trust issues as well as other things. It was theoretically possible, but the companies providing services to the City did not historically operate that way. The federal government would shut them down in all markets if they did that kind of thing in the City. Davis added the timeline to be ready was roughly one year from now. He continued that the advantage was the City would be the first customer.

Fleisch asked that a clock be set for 15 minutes and asked if there were any comments from those attending the meeting.

Bill Moore said everything in the business plan looked wonderful, but it looked like the citizens would be left out. It would improve the overall quality of life in the City. The City was the taxing power. If the cost of operation was higher than the funds that were coming in from users, then the cost would be left for the taxpayers. It seemed as though the residents would pay 100% of the cost, while others got 100% of the benefits. If the fiber went to everyone in the City, the costs would decrease for everybody.

Robert Segura asked if the feasibility plan was also on the City's website and if the same company that came up with the plan would put it in place.

Eric Snell said many cities were still in the broadband business, but had an established relationship regarding utilities with citizens. Several other cities had gotten out of the business over the last 15 years. Snell said the revenue model in the business plan was too aggressive and pricing was too high. Prices eroded faster than 4% every year, which was in the plan. The City's fees would have to be 15% below market prices. The business plan had no equipment refresh in 10 years. Equipment routers would not last 10 years, but the fiber would. There would be tax filings the City had to do. The pricing did not match up with what the City would sell it for. It took 168 hours of work to run a network operations center (NOC) every day of the year, all the

time. There was no price for generators for when the electricity was out. If the fiber was cut, it would need to be back up in two hours. There was an aggressive residential approach by NuLink, Comcast, and AT&T. They would also be aggressive with industry. The Board of Education already had broadband, and 80% of their costs were paid by state and federal funds. The City needed to know the business it was getting into. The City needed an ordinance in place that required any conduit placed in the right-of-way be deeded to the City. Once there was conduit in, then it would be easy to take the fiber to Kedron Fieldhouse.

Linda Flowers agreed with Snell on the infrastructure. She said she would be the first residential customer. Flowers said the City would not be able to attract high-tech companies without the appropriate internet services, and this would help attract more companies with really good jobs to come to the City. She asked Council to look at the finances five years out, not 20 years.

Tony Black said he was worried about the taxes and paying off the bond if the municipal broadband went under.

Imker said, based on quick calculations, that if the broadband failed 100%, the cost for taxpayers would be \$30 annually. Imker said he appreciated the comments made by the public, and asked Davis to address them.

Davis noted that some of the comments had been addressed. There was a significant difference in the network architecture that was in the City now, and that helped determine the speed the companies charged for. The City's model was based on an all-fiber system with consistent data that was bidirectional. It would not be shared, and there would be dedicated service to specific locations. The City had a generator at City Hall where the NOC would be located, so one had not been included in the budget. There had been some general statements made, but Davis felt these were the most important points.

Learnard asked why running broadband to residences had not been included in the proposed plan. Davis said the City had five major service providers currently (AT&T, Comcast, NuLink was coming, Direct TV, and Dish), and he did not know where the City would fit into that highly competitive market. Cable television had to be offered to get to the door. For the City to become a cable television operator, it would cost over \$100,000 per mile to go down every street, in addition to establishing the rest of what was needed. The margins in cable were shrinking, and customers were using the data side to get video content. The cable part of the industry was not sustainable anymore.

Fleisch said Segura had asked about the feasibility study. Salvatore said that when Davis first came in, staff questioned whether "the juice was worth the squeeze" when looking at the short amount of fiber actually needed in the City. Davis had told staff the investment was small for how much could be done. Salvatore acknowledged the City was one of the smaller ones to have broadband services, but the layout of the City would be the advantage.

Davis said they had discussed the concept with the prospective customers, as well as the proposed rate structure. There were many customer service considerations, and the City would be catering to their customers. Good service for a good price.

Fleisch asked if the City would need an ordinance regarding the conduit. Davis said it had been done in a lot of communities, and it was a good idea. Salvatore said he had spoken with Meeker about such an ordinance.

Phillip Abbott, Cpak's network administrator for the City, said he also worked with LaGrange and its broadband service. LaGrange had been doing it for 20 years, and had gone through many

iterations of technology. Their broadband was very successful, and they had positive revenue flows. A municipal network, would be very focused on its own city, while the private companies had a much broader range of concern. The businesses in a municipal broadband city really wanted to do business with the city. It was a different mentality. It would show the City was forward thinking and investing, and the citizens and businesses paid attention to that.

Davis said there were AT&T representatives at the meeting, adding AT&T was a great company. He knew of one customer that paid \$1 million annually for AT&T. When the company representative needed to speak with someone, it took hours to get a response. In the City, the customers would be taxpaying members of the community who knew how to get a response from the City.

Rorie said this was a big decision. It was visionary in nature and there was risk exposure. Staff had spent months looking at the feasibility, and it was a calculated risk. From the economic development perspective, the City would be able to recruit high-tech industry. He asked Salvatore to clarify that City's contract with Davis was just for the development of the business plan.

Salvatore said Davis would be available to help with the recruitment of the initial 29 customers. Davis had a vested interest in seeing the business plan succeed. Staff did not think it would fail. The City could sit back and do nothing, then watch the prices go up and the franchise fees disappear, which would cut the City's revenues by \$500,000 annually.

Imker said he could not make a decision based on fear of negative comments, but he was willing to wait two weeks before voting on the proposal. However, if a motion was made at this meeting, he would not stand in the way.

Learnard said she did not disagree with Imker, but the City had taken the long-term conservative approach on this, a team was in place, precedents had been set, and she believed in the integrity of the consultant. She was 100% convinced this was the right way to go.

Ernst agreed with Learnard. It had been a long process, and he was ready to move forward.

King said he was also ready to move forward. The cost involved was serious. Once the business community came online, residential service would fall in behind it. Ernst said he had been adamant about this being a residential opportunity as well, until it was fully explained why that was not an option.

Imker said he wanted to show unanimous support for the service. Learnard clarified she was not making a decision based on the service being available to residents. The business case was about the municipality, public safety, and economic development.

Imker moved to approve the resolution for the City to construct and operate a fiber optic broadband network and provide the associated services. King seconded. Motion carried unanimously.

09-15-04 Discuss/ Consider Addition of Wetlands Amenity at Line Creek Nature Area

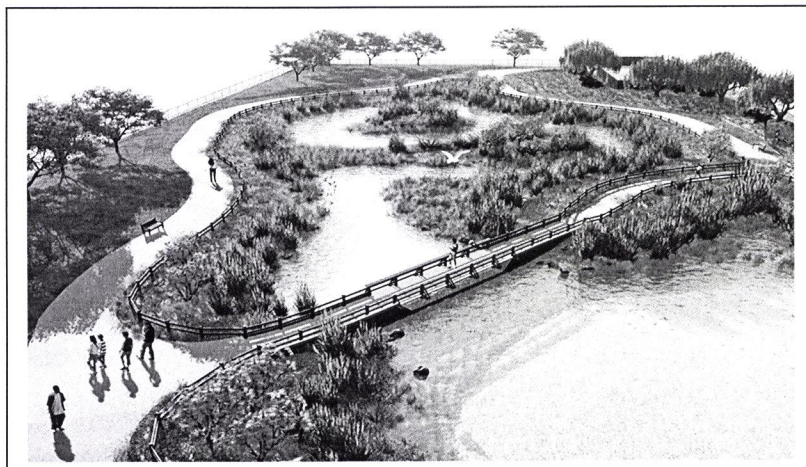
Rorie said this agenda item was regarding the Overlook retail development on SR 54 West. He noted that the City's stormwater ordinance required the developer to retain stormwater on the site. There had been several discussions between the developer, City staff serving as a liaison, and the Southern Conservation Trust (SCT) regarding the developer's proposal to create a wetlands amenity on City property at Line Creek Nature Area (managed by the SCT) as part of the developer's plan to control stormwater runoff.

Jim Lowe of Trinity Development addressed Council concerning the proposed amenity, saying the focus was how the company was spending its money. Committed businesses included Versona, Michaels, Ulta, TJ Maxx, and TJ Maxx/Homegoods. There were other businesses that had committed, but were not ready to go public.

The opportunity to build an underground detention pond was there, but the company felt it could be a better steward of its money, Lowe said. They contracted with an environmental consultant, then prepared a 50% design of a wetlands, as well as 75% of an hydrology plan for discussion with the City. There was also a rock study of the area. Trinity was working with Allan Miller, wetlands consultant, on the final design of the wetlands. The final engineering package on the underground detention facility had been submitted to staff. They had received separate bids for both the onsite system and the wetlands system. They were also working with staff on a final development agreement, rather than a Memorandum of Understanding.

Lowe continued the underground detention facility would have seven-foot diameter pipes buried four feet deep, then an additional seven feet deep for the pond itself. There would be an additional half mile of pipe underground that would receive all the storm drainage from the site, held in the underground pond, then would go out as required by state regulations.

Lowe said there had to be a better way to do things. There would be a 75-foot transitional buffer along the back of the development. There was a sloping area down from the parking lot to the SCT and City property area. There would also be 30 to 40 feet of grading, so there would be over 100 feet of green before getting into the proposed wetlands area. A sloping, meandering path would go from the Overlook to a trail that would go around the wetlands. The plan was conceptual in nature. Plans included an elevated walkway over one of the permanent pools, with a duck island in the middle of the pool. A cart path would connect to MacDuff Crossing and extend along the powerline easement, then go to the wetlands area. Grading would be needed since the topography was not very flat. The perimeter around the wetlands would be revegetated, and the entire wetlands would be fenced. He noted the standards for creating wetlands were set by the state. The entire wetlands would be fenced, according to Lowe. The graphic below is similar to what the vision was for the area:



Miller explained how wetlands worked and the services they provided, including nutrient and toxicant removal. Miller said the right kinds of plants would not only clean the water, but would attract certain birds. Songbirds were losing their habitat, and the planting prescription would target some of those species. The trail and signage would be the recreation and education component of the wetlands.

Lowe said they had asked Brent Scarbrough, grading contractor, to price the underground detention pond, which was estimated at \$691,000. Lowe said the cost of the wetlands area, amenities, grading, piping, and other items would be \$575,000. The developer had also committed to a \$100,000 contribution to SCT plus perpetual maintenance of the wetlands for 30 years, which was estimated at \$7,000 annually. The wetlands concept would cost over \$1 million, but Lowe pointed out that was a better use of the money, better for the community, and better for the development.

Rorie said the development agreement would ensure all the parties were on the same page. The agreement would not be approved at this meeting, but staff wanted Council to know staff was protecting the Line Creek Nature Area, which was owned by the City and managed by SCT.

Rast said the draft development agreement currently had 18 conditions adopted by the Planning Commission as part of the conceptual site plan approval on May 12, 2014. Planning Commission and staff would review the final site plan. There were two bullet points relative to the SR 54 West/Line Creek Drive intersection enhancements. There were a dozen or so elements regarding the access road through the nature area. Rast said there was a letter from the owner of MacDuff Crossing Retail Center indicating their approval of the road, which would be meandering. There was also a bullet regarding the stormwater runoff from the access road. There was language regarding improvements to the existing gravel drive. Prior to the issuance of the first Certificate of Occupancy for the commercial buildings, the developer must provide an easement document that would state that anyone who owned the property after them would be responsible for maintenance and upkeep for the access road in perpetuity.

The development agreement included items specific to stormwater detention and the wetlands area, Rast said. The 75-foot buffer between the rear of the development and Cardiff Park and any disturbance associated with the detention pond were addressed, and it would extend between the homes and the wetlands as well. It would be up to SCT and the developer to monitor and maintain the area. There were two items related to the stewardship pledge based on feedback from SCT about maintenance of the existing pond and dam within the nature area that would be struck from the agreement.

There were 39 specific items addressed in the agreement, plus five or six legal paragraphs, Rast said.

Lowe said they would accept maintenance responsibilities for the new wetlands area, as well as the boardwalk associated with it. Lowe said more language would be added to the agreement regarding the maintenance responsibilities. He asked if work on the language could be done with staff and SCT, or whether it should be done at this meeting. Rorie said it would be done with staff. Lowe said he was confident they could work through the items in the development agreement. Lowe asked Council if they could move forward with the wetlands plan or with the underground detention. Guidance was needed and was very important at this point.

Pam Young, executive director of SCT, said SCT's official position was they were very confident in the team and were very pleased with all the interaction between the SCT, staff, and the developer. She thanked Lowe for doing things in a different way, adding no one would have benefitted from the underground detention plan. She thanked them for creating a project that benefitted everyone. A position letter from SCT had been included in the Council packet.

Brian Chustz, SCT board member, said the science and technology that would be used was widely accepted. This was an exciting opportunity, and the City should see more of this in future

projects. He said SCT would work with the developer and the City on the development agreement step-by-step. They expected a collaborative relationship going forward.

Young added that SCT was a stakeholder with American Rivers, Flint River Keepers, and the Nature Conservancy in developing a strategic plan for the upper Flint River watershed to address low water issues and water quality. This project was one of the green options and strategies included in the plan.

Imker asked Young about the road that would connect the shopping areas and the Nature Area. Young said SCT had asked for a meandering road rather than a straight-through road because of stormwater run-off and elevations. Imker clarified this would be City property, there would be many caveats, and SCT would be an overseer. If this plan was approved, these were the reasons why. The next developer would not be the same situation.

Meeker said the City would grant an easement to the developer to put the detention facility on its property. He did not see a legal issue; it was permissible for a city to do this.

Rorie said it would set a precedent for using City property. Council would actually approve putting the wetlands on City property and conditioned upon meeting all ordinances and requirements, all the stormwater best practices and management. The wetlands would have to meet all the requirements and approvals of the development agreement moving forward. They hoped to have the development agreement on the October 1 agenda.

Eric Snell said he had lived in Planterra Ridge for 20 years. He thanked Lowe and staff for protecting the greenspace on the Planterra side of the development and working with the slopes for the neighbors on the back. The proposed wetlands would go well with the Line Creek Nature Area.

King moved to approve in concept the use of City property for the wetlands project described during the course of this meeting subject to the finalization of the development agreement between the City and the developer and the design meeting all stormwater criteria, both City and state. Ernst seconded. Motion carried unanimously

Council/Staff Topics

There were no topics.

Executive Session

Learnard moved to convene in executive session to discuss threatened or pending litigation and personnel at 9:44 p.m. Ernst seconded. Motion carried unanimously.

Learnard moved to reconvene in regular session at 10:54 p.m. Ernst seconded. Motion carried unanimously.

There being no further business, King moved to adjourn. Learnard seconded. Motion carried unanimously. The meeting adjourned at 10:55 p.m.

Pamela Dufresne, City Clerk

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTRAOFFICE MEMORANDUM

TO: Mayor and Members of Council

VIA: City Manager *g*
 Financial Services Director *PS.*
 Assistant Financial Services Director *VB*

FROM: Purchasing Agent *ave*

DATE: August 28, 2015

SUBJECT: Request to Surplus Vehicles and other items currently stored at City locations
Council Meeting: October 1, 2015

Recommendation. Staff recommends Council declare surplus the following list of assets.

Discussion.

Asset	Model	Year	VIN/Serial #	Mileage
2083	Crown Vic	2006	2FAFP71W36X148841	96,356
2086	Crown Vic	2006	2FAFP71W16X148837	105,167
2089	Crown Vic	2007	2FAFP71W37X142507	106,366
2090	Crown Vic	2007	2FAFP71W17X142506	93,638
2092	Crown Vic	2007	2FAFP71WX7X142505	93,648
2094	Crown Vic	2007	2FAFP71W87X142504	94,461
5052	Freightliner FL80	1997	1FV6JLCB3WH936098	69,621
3145	Gooseneck trailer		4TOGN2425X1005786	
5323	Sand pro	2000	08884-200000160	
3808	Caterpillar rubber tire loader	1994		
	John Deere Track loader			
	Golf Cart	old	EZ Go	

Public Works has determined that the vehicles, based on their current mileage and mechanical condition, should be removed from the City fleet.

In addition, staff requests Council declare surplus the following items: 4 Aluminum Scoop stretchers and 1 Piano.

These items are expected to be auctioned on Govdeals.com around the middle of October. Other items that are valued at less than \$500 are also expected to be sold at this time.

Budget Impact. There is no specific amount of revenue in the budget related to the sale of these goods. Any monies received from the sale of items at public auction would be placed into the City's general fund.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members

VIA: John Rorie, Interim City Manager *JR*
Paul Salvatore, Financial Services Director *P.S.*
Kelly Bush, Assistant Financial Services Director *KB*
Angela Egan, Purchasing Agent *AE*

FROM: Janet Moon, Chief of Police *JM*

DATE: September 25th, 2015

SUBJECT: Use Traffic Cone Donation to Police Department
Consent Agenda – October 15th, 2015 City Council Meeting

Recommendation:

Staff recommends accepting the donation of +/-600 used traffic cones from the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. The Police Department has been contacted by FLETC to supply these cones for driver training programs.

Discussion:

FLETC has a program where the agencies of the graduates of their driver instructor training programs are offered their used driving cones for agencies to use towards their driving instruction programs. Cones will be utilized to enhance the department's driving instruction program that is being made to all city employees. Cones will also be made available to supplement traffic control at special events if necessary.

Budget Impact:

There is no cost to accepting this donation besides the travel time and fuel to pick-up the cones estimated at \$148.

JLM/mnb



AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

Amendment to the Professional Services Agreement effective October 10, 2012, between the City of Peachtree City, Georgia, (City) and SAFEbuilt Georgia, Inc., whom as of October 01, 2014 has merged into and consolidated with SAFEbuilt Georgia, LLC a limited liability company (Corporation). The City and the Corporation shall be jointly referred to as the "Parties".

Agreement Amendment Effective Date: This Amendment shall be effective on the latest date on which the Amendment is fully executed by both parties.

Agreement is hereby amended as follows: Exhibit A, List of Services and Exhibit B, Fees is hereby amended by adding the following service and updating fee percentage as set forth below.

1. Corporation will provide front counter services utilizing one (1) Full Time Permit Technician at the following rate:
 - ✓ One (1) Full Time Permit Technician – increase percentage of fee rate from 70% to 75%

RESIDENTIAL FEES:	
Building Permit Fee	75%
Plan Review Fee	75%
Re-submittal	75%
Additional Remodeling	75%
Demolition Permit	75%
Re-Roofing	75%
Garages	75%
Decks and Porches	75%
Fences	75%
Accessory Buildings	75%
Swimming Pools	75%
Swimming Pool Fence	75%
Electrical Trade Permit	75%
Plumbing Trade Permit	75%
HVAC Trade Permit	75%
Fireplaces	75%
Re-inspection Fee – 1 st	75%
Re-inspection Fee – 2 nd	75%
Re-inspection Fee - subsequent	75%

COMMERCIAL FEES:	
Building Permit Fee	75%
Plan Review Fee (new & add/renovation)	75%
Re-submittal	75%
Additional Remodeling	75%
Re-Roofing	75%
Demolition Permit	75%
Electrical Trade Permit	75%
Plumbing Trade Permit	75%
HVAC Trade Permit	75%
Re-inspection Fee – 1 st	75%
Re-inspection Fee – 2 nd	75%
Re-inspection Fee – subsequent	75%
Non-Permitted Activity	\$75.00/hour
Investigative Services (by City request only)	\$75.00/hour
Testimonial Services (by City Request only)	\$75.00/hour
After-Hours Emergency Calls (by City request only)	\$75.00/hour
Building Official and Administration Services	No Charge
Disaster & Emergency Response Services	No Charge
Code Enforcement and Unsafe Building Services	\$75.00/hour

The original Agreement, Exhibits and terms shall remain in effect.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

City of Peachtree City, GA

Signature

Name: _____

Title: _____

Date: ____/____/____

Attest: _____

SAFEbuilt Georgia, LLC

Signature

Name: _____

Title: _____

Date: ____/____/____

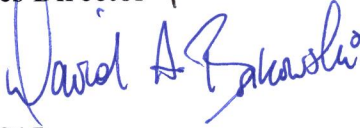
Attest: _____

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council

VIA: City Manager 
Financial Services Director 

FROM: City Engineer 

DATE: September 30, 2015

SUBJECT: Right-of-Way Occupancy Ordinance
October 1, 2015, City Council Meeting

Recommendation:

Staff recommends that City Council authorize the Mayor to sign the attached right-of-way ordinance.

Discussion:

Currently the City's ordinances related to the use of the rights-of-way are very limited in scope. They generally deal with damage issues, tree cutting/preservation and requirements to bury utilities; however, they lack detail in specifics on what someone would have to do to permit and install anything in our right-of-way. The proposed ordinance clarifies all these issues.

The proposed ordinance has very specific requirements for plans to be presented and to what level of detail. For example, the ordinance requires existing utility lines to be surveyed and their locations and depths put on the plans for proper design. It also has clear procedures for establishing franchises.

Budget Impact:

The budget impact from this ordinance would most likely be revenue neutral. The revenue generated from any application/permit review fees would be offset by staff review and inspections.

Attachment

**THE CITY OF PEACHTREE CITY
RIGHT-OF-WAY ORDINANCE**

THIS ORDINANCE, adopted by the City of Peachtree City (the "City") this the _____ day of _____, 2015;

WITNESSETH:

WHEREAS, service providers seek to provide telecommunications services to customers in an area or areas of the City pursuant to Certificate of Authority issued by the Georgia Public Service Commission which permits the rendering of such service in its certificated area as a regulated telecommunications company and in the performance of its duty to serve the public, service providers request to utilize highway and public road rights-of-way for the installation of wires, cables and associated equipment, and will continue to require such use in the future installation of such aforesaid facilities, pursuant to O.C.G.A. Section 46-5-1; and

WHEREAS, service providers seek to provide cable service or video service to customers in an area or areas of the City pursuant to Certificate of Authority issued by the State of Georgia Secretary of State which permits the rendering of such service in its certificated area as a regulated cable services company in the performance of its duty to serve the public, service providers request to utilize highway and public road rights-of-way for the installation of wires, cables and associated equipment, and will continue to require such use in the future installation of such aforesaid facilities, pursuant to O.C.G.A. Section 36-76-6; and

WHEREAS, service providers seek to provide broadband services to customers in an area or areas of the City on an unregulated basis; and

WHEREAS, it is in the public interest for the City and service providers to reduce the impact on the public of multiple right of ways, and the City and service providers may provide significant economic benefits to the public by locating roadways and facilities on the same right of way subject to City ordinances and pursuant to O.C.G.A. Title 25 Chapter 9; and

WHEREAS, the City has continuing jurisdiction over public right of way and is charged with the responsibility of insuring rights of way are safe and fully adequate for public use; and

WHEREAS, the City has acquired and will continue to acquire public right of way for the construction, operation, and maintenance of roads, paths, and common areas; and

NOW, THEREFORE BE IT RESOLVED, that the City of Peachtree City hereby adopts this ordinance in the form attached hereto and authorizes the City Attorney to make

changes as appropriate and so as to update and conform the provision of this ordinance to existing City code.

We hereby approve and adopt this Ordinance this ____ day of _____, 2015.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

AN ORDINANCE TO AMEND ARTICLE VIII, OF THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE, AS AMENDED, TO ESTABLISH DESIGN, INSTALLATION AND MAINTENANCE GUIDELINES FOR CABLE SERVICE, TELECOMMUNICATIONS SERVICE, BROADBAND SERVICE AND OTHER SERVICES OCCUPYING CITY RIGHTS-OF-WAY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; 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. Article VII, General Development Standards and Design Guidelines, Division 1, Standards for Site Design, of the Peachtree City Land Development Ordinance, as amended, be further amended to add a new Section 707.2 as follows:

Chapter 707.2 – Scope.

The provisions of this chapter shall apply to all facilities occupying the rights-of-way as provided herein.

Sec. 707.2-1. - Definitions.

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

Broadband service means "broadband service" as defined by Title II of the Communications Act and Section 706 of the Telecommunications Act of 1996.

Broadband service provider means "broadband service provider" as defined by Title II of the Communications Act, Section 706 of the Telecommunications Act of 1996, and the FCC.

Cable service means "cable service" as defined in O.C.G.A. section 36-76-2.

Cable service provider means "cable service provider" as defined in O.C.G.A. section 36-76-2.

Cable system means "cable system" as defined in O.C.G.A. section 36-76-2.

City means the city of Peachtree City, Georgia.

City Manager means the city manager of the city or his/her designee.

Construct means, but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. Construct shall also include the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the right-of-way.

Construction means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. Construction shall also include the act of opening, boring and/or cutting into the surface of any part of the right-of-way.

Emergency means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property.

Facility or facilities means any tangible thing, including but not limited to pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any service provider in, on, along, over, or under any part of the rights-of-way within the city.

Facilities representative(s) means the specifically identified agent(s)/employee(s) of a service provider who are authorized to direct field activities of that service provider and serve as official notice agent(s) for facilities related information. Service provider shall be required to insure that at least one (1) of its facilities representatives is available at all times to receive notice of, and immediately direct response to, facilities related emergencies or situations.

FCC means the Federal Communications Commission or any successor thereto.

Franchise means an initial authorization, or renewal thereof, issued by the city, the Georgia Secretary of State, or the Georgia Public Service Commission, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the occupation and use of city streets to provide cable service or telecommunications service.

Georgia Utility Facility Protection Act as defined in O.C.G.A. Title 25 Chapter 9.

Gross revenues means "gross revenues" as defined in O.C.G.A. section 36-76-2.

Person means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, but shall not mean the city.

Permit means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public right-of-way, and which may be subject to conditions specified in a written agreement with the city or in a related provision of this Code of Ordinances.

Right(s)-of-way means the surface and space in, on, above, within, over, below, under or through any real property in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the city, now or hereafter, that consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing facilities.

Right-of-Way Agreement means an authorization granted by the city to a broadband service provider which authorizes the occupation and use of city right-of-way to provide broadband service.

Service Provider means any individual or any association, firm, partnership, joint venture, corporation or other legally recognized entity, whether for profit or not for profit, but shall not

mean the city that is a provider of cable service, telecommunications service, broadband service, or other service as set forth in this chapter.

State cable service or video service franchise means a franchise granted by the State of Georgia Secretary of State pursuant to O.C.G.A. section 36-76-1 et seq.

State telecommunications franchise means a franchise granted by the Georgia Public Service Commission pursuant to O.C.G.A. section 46-5-1 et seq.

Streets means the surface of, as well as the spaces above and below, any and all streets, alleyways, avenues, highways, boulevards, driveways, bridges, tunnels, parks, parkways, public grounds or waters, and other public rights-of-way within or belonging to the city.

Telecommunications service means the receipt and/or distribution, through any means, including, without limitation, coaxial cable, optical fiber or satellite or microwave transmission, of one or more video, audio, voice or data signals. Telecommunications services include both cable services and non-cable telecommunications services pursuant to O.C.G.A. section 46-5-1 et seq.

Video programming means programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section 522(20).

Video service means the provision of video programming through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This term shall not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 707.22(d) or video programming provided as part of and via a service that enables user to access content, information, e-mail, or other services offered over the public internet.

Video service provider means an entity providing video service as defined in this Code section.

Sec. 707.2-2. – Registration requirements.

- (a) Each service provider who occupies, uses or has facilities in the rights-of-way at the time of passage of the ordinance from which this article is derived, including by lease, sublease or assignment, to operate facilities located in the rights-of-way, unless specifically exempted by state or federal law, existing service agreement or this code, shall file a registration statement with the city within ninety (90) days of the effective date of the ordinance from which this article is derived.
- (b) A service provider which is registering under this division for the first time shall pay a registration fee in the amount of one thousand dollars (\$1,000.00).

Sec. 707.2-3. – Registration procedure.

- (a) The registration information provided to the city shall be on a form approved by the city and include, but not be limited to:
 - 1. The name, legal status (i.e. partnership, corporation, etc.), street address, email address, and telephone and facsimile numbers of the service provider filing the registration statement (the "registrant"). If the registrant is not the owner of the facility in the right-of-

way, the registration shall include the name, street address, email address if applicable, and telephone and facsimile numbers of the owner;

2. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more facilities representative(s). Current information regarding how to contact the facilities representative(s) in an emergency shall be provided at the time of filing a registration and shall be updated as necessary to assure accurate contact information is available to the city at all times;
 3. A copy, if requested, of the service provider's certificate of authority (or other acceptable evidence of authority to operate) from the State of Georgia Secretary of State, the Georgia Public Service Commission, and/or the FCC and any other similar approvals, permits, or agreements.
 4. A copy, if requested, of the service agreement, if applicable, or other legal instrument that authorizes the service provider to use or occupy the right-of-way for the purpose described in the registration.
 5. If a registration is incomplete, the city shall notify the registrant and shall provide a reasonable period of time in which to complete the registration. If a registration is complete, the city shall so notify the service provider in writing.
 6. Acceptance of the registration shall not convey title in the rights-of-way. Acceptance of the registration is only the nonexclusive, limited right to occupy rights-of-way in the city for the limited purposes stated in the acceptance. Acceptance of the registration does not excuse a service provider from obtaining permits required by city ordinances nor from obtaining appropriate access or pole attachment agreements before using the facilities of others, including the city. Acceptance of the registration does not excuse a service provider from notifying the city of construction as required herein.
 7. Beginning one (1) year after the effective date of this chapter, any facilities or part of a facility found in a right-of-way for which registration is required but has not been obtained unless specifically exempted by law, and for which no valid permit exists with the city, may be deemed to be a nuisance and an unauthorized use of the rights-of-way. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to abating the nuisance; taking possession of the facilities, evicting the service provider from the right-of-way; prosecuting the violator; and/or any other remedy provided by city ordinance or otherwise allowed in law or in equity.
- (a) It shall be unlawful for any service provider to excavate or to construct, install, maintain, renew, remove or relocate facilities in, on, along, over or under the public roads of the city without a permit from the city in accordance with the terms of this chapter.
- (b) Permits shall be obtained from the city manager (or such other person as the city manager may designate) upon application made on forms prescribed by the city. The written application shall include the following:
1. The name and address of the service provider;
 2. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. Requirements for the plans are as follows.

- i. Satisfactory plans shall be signed and sealed by a Registered Professional engineer in the State of Georgia and be drawn to scale.
 - ii. The plans shall show existing right-of-way lines and property lines along with the size or capacity of facilities to be installed, their relationship to street features such as right-of-way lines, pavement edge, structures, other utilities etc., horizontal and vertical clearances to other utilities and storm drains and other elements of the roadway and any other information necessary to evaluate the impact on the street and its operation. The existing features shown on the plans must have been located by a Registered Land Surveyor in the State of Georgia. Elevations or depth measurements must have a vertical accuracy of 0.1 foot or less.
 - iii. The plans shall be reviewed and approved by the city prior to any work taking place. Any revisions to the approved plans will have to be resubmitted with the needed information in ii. above and approved by the city before any work taking place.
 - iv. The plans shall show the necessary erosion control needed to keep sediment from entering the road, stormdrains or creeks.
 - v. The plans shall show the proposed means of installation of the lines. The preferred method being directional drilling. In no case is jack-and-bore installation allowed. Open cut of city streets is prohibited except in cases of potholing for utilities in which a 2-foot by 2-foot excavation may be used. Open trench method is only allowed in limited areas where directional drilling is impossible.
 - vi. If open trench installation is approved by city, the trench shall be either of the following.
 1. A trench a minimum of 6 inches wide backfilled with clean sand and topped with 2 inches topsoil and appropriate vegetative stabilization.
 2. A trench a minimum of 12 inches wide backfilled with native material in 8 inch lifts (maximum) and compacted with a plate compactor, then topped with 2 inches of topsoil and appropriate vegetative stabilization. Compaction of soil must be at least 95% Relative Compaction using Modified Proctor Method. Compaction testing may be required by the city engineer.
 - vii. Details must be shown on plans;
3. The name and address of the person or firm who is to do such work;
4. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more facilities representative(s);
5. The projected dates for the work to be started and finished;
6. An indemnity bond or other acceptable security in an amount to be set by the city to pay any damages to any part of the city road system or other city property or to any city employee or member of the public caused by activity or work of the service provider performed under authority of the permit issued;
7. A maintenance bond or letter of credit from a local bank to cover any repairs that may be needed to the right-of-way caused by trench settlement or lack of vegetative cover. This bond or letter of credit shall be for a period of at least 12 months from the time of

expected completion of the project. Should the permit be extended, the applicant will extend the bond/letter of credit as appropriate.

8. A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the State of Georgia Secretary of State, the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements;
9. A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the service provider to use or occupy the right-of-way for the purpose described in the application; and
10. A permit application fee in the amount of fifty dollars (\$50.00).

Sec. 707.2-4. – Permit fees.

For service providers subject to an existing service agreement, permit or other fees shall be as established therein. All remaining service providers shall be subject to permit fees equal to those established by the Georgia State Department of Transportation in Georgia Administrative Code, Chapter 672-11, as currently exists and as modified from time to time by the State of Georgia.

Sec. 707.2-5. - Issuance of permit.

If the city manager, or his designee, determines the applicant has satisfied the following requirements, the city may issue a permit.

1. Whether issuing of the approval will be consistent with this chapter;
2. Whether applicant has submitted a complete application with all required documents in accordance with the Registration Procedure above and has secured all certificates and other authorizations required by law, if applicable, in order to construct facilities in the manner proposed by the applicant; and
3. The impact on safety, visual quality of the streets, traffic flow, and other users of the right-of-way and the difficulty and length of time of the project, construction or maintenance.

Sec. 707.2-5. - Emergency situations.

- (a) Each service provider shall, as soon as reasonably practicable, notify the director of any event regarding its facilities which it considers to be an emergency. The service provider may proceed to take whatever actions are necessary in order to respond to the emergency. A service provider who engages in an emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.
- (b) In the event that the city becomes aware of an emergency regarding service provider facilities, the city may attempt to contact the affected service provider or facilities representative. The city may take whatever action it deems necessary in order to respond to the emergency, including cut or move any of the wires, cables, amplifiers, appliances, or other parts of the facilities. The city shall not incur any liability to the service provider for such emergency actions, and the cost of such shall be paid by each service provider causing the emergency.

Sec. 707.2-6. - Effective period of permit.

- (a) Each permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.
- (b) The permit shall remain in place until construction is completed or until its expiration date unless the service provider is in default. The city may give written notice of default to a service provider if it is determined that a service provider has:
 - 1. Violated any provision or requirement of the issuance or acceptance of a permit application or any law of the city, state, or federal government relating to the applicable scope of work;
 - 2. Attempted to evade any provision or requirement of this chapter;
 - 3. Practiced any fraud or deceit upon the city; or
 - 4. Made a material misrepresentation or omission of fact in its permit application.

Sec. 707.2-7. - Cancellation for cause.

If a service provider fails to cure a default within twenty (20) working days after such notice is provided to the service provider by the city, then such default shall be a material breach and city may exercise any remedies or rights it has at law or in equity to terminate the permit. If the city manager determines there is cause or reason to terminate, the following procedure shall be followed:

- 1. City shall serve a service provider with a written notice of the reason or cause for proposed termination and shall allow a service provider a minimum of fifteen (15) calendar days to cure its breach.
- 2. If the service provider fails to cure within fifteen (15) calendar days, the city may declare the permit terminated.

Sec. 707.2-8. - Expiration of permit.

If work is not begun within six (6) months of the date of issuance, the permit will be deemed abandoned and shall automatically expire.

Sec. 707.2-9. - Protection of traffic and roadway.

Unless specifically in the permit, no service provider may occupy the city rights-of-way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the city from reasonably maintaining the streets, structures, traffic control devices and other appurtenant facilities, and further provided that maintenance and operations of the facilities do not jeopardize the traffic, street structure, other users of the right-of-way or the right-of-way itself.

Sec. 707.2-10. - Grading.

If the grades or lines of any street within the city right-of-way are changed at any time by the city during the term of the permit and this change involves an area in which the service provider's facilities are located, then the service provider shall, at its own cost and expense and

upon the request of the city upon reasonable notice, protect or promptly alter or relocate the facilities, or any part thereof, so as to conform with such new grades or lines. In the event the service provider refuses or neglects to so protect, alter, or relocate all or part of the facilities, the city shall have the right to break through, remove, alter, or relocate all or any part of the facilities without any liability to the service provider and the service provider shall pay to the city the costs incurred in connection with such breaking through, removal, alteration, or relocation.

Sec. 707.2-11. - Relocation of poles and other wireholding structures.

- (a) Subject to City Code Section 707, Article 7 of Appendix B: (a) no service provider is allowed to add facilities to existing poles or wireholding structures; (b) no such structures are to be considered as having granted a service provider a vested interest in the right-of-way; (c) such poles or structures are to be removed, relocated underground, or modified by the service provider at its own expense whenever the city determines that the public convenience would be enhanced thereby; and (d) no facilities shall be so located and installed as to cause interference with the rights and convenience of property owners.

Sec. 707.2-12. - Georgia Utility Facility Protection Act; national code compliance.

As provided in O.C.G.A § 25-9-6 (the Georgia Utility Facility Protection Act) and other applicable state law currently in place or as amended, no service provider shall commence, perform, or engage in blasting or in excavating with mechanized excavating facilities unless and until the service provider planning the blasting or excavating has given forty-eight (48) hours' notice by submitting a locate request to the service provider protection center, beginning the next working day after such notice is provided, excluding hours during days other than working days.

Sec. 707.2-13. – Restoration of property.

Each service provider shall be responsible for the cost of repairing any facilities in the rights-of-way and adjoining property or other facilities which it or its facilities damage. All grassed areas disturbed shall be sodded when work is complete.

Sec. 707.2-14. - Replace and/or restore damage; removal of abandoned facilities.

- (a) A service provider shall be liable, at its own cost and expense, to replace, restore or repair, any street, facilities or property or structure thereon, thereunder, thereover or adjacent thereto that may become disturbed or damaged as a result of the construction or installation, operation, upgrade, repair or removal of facilities to a condition as good as or better than its condition before the work performed by the service provider that caused such disturbance or damage. If the service provider does not commence such replacement or repair after twenty (20) working days following written notice from the city, the city or the owner of the affected structure or property may make such replacement or repair and the service provider shall pay the reasonable and actual cost of the same.
- (b) All facilities that are abandoned following completion of work under a permit must be removed by the service provider. In the event that a service provider does not within sixty (60) days following proper notification remove its abandoned facilities, the city may perform the required work and the service provider shall pay the costs of same.

Sec. 707.2-15. - Right to inspect; fees.

- (a) The service provider shall make the construction site available to the city Manager, or his designee, and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the construction.
- (b) The service provider shall pay to city a permit inspection fee, which fee shall be the cost of labor and materials incurred by the city in order to inspect the work as required in this division.

Sec. 707.2-16. - Stop work.

At any time, including the time of inspection, the city manager may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the permit and/or this chapter or issue an order to correct work which does not conform to the permit and/or applicable standards, conditions or codes.

Sec. 707.2-17. - Notification of completion.

When the construction under any permit is completed, the service provider shall notify the city manager.

Sec. 707.2-17. - Additional permits required.

The service provider shall obtain all construction, building or other permits or approvals as according to city ordinance, state or federal law. In addition, a permittee shall comply with all requirements of laws, shall complete work in a way as to not cause any unnecessary or unauthorized obstructions of sidewalks, streets, waterways or railways, and is responsible for all work done in the rights-of-way regardless of who performs the work. No rights-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an emergency as outlined herein.

Sec. 707.2-18. - Penalties.

Every service provider convicted of a violation of any provision of this chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) per violation. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Sec. 707.2-18. - Granting authority, franchising procedures, right-of-way, and license applications.

- (a) No service provider shall provide cable services or operate a cable system without a state franchise or a local franchise granted in accordance with the provisions of this chapter. No person shall use or occupy the streets to provide any cable services without a local franchise, right-of-way agreement, or license granted by the city.
- (b) No service provider shall provide telecommunications services or operate a telecommunications system without a state Certificate of Authority issued by the Georgia Public Service Commission in accordance with the provisions of this chapter. No person shall use or occupy the streets to provide any telecommunications service without a state

franchise or Certificate of Authority issued by the Georgia Public Service Commission which Certificate of Authority shall be subject to O.C.G.A. section 46-5-1 et seq.

- (c) The City Council may grant one or more local cable service franchises in accordance with this chapter, provided that the City Council reserves the right to modify any provision of this chapter by amendment hereof.
- (d) The grant of any local cable service franchise shall be made by adoption of a separate ordinance by the City Council and shall be on such terms and conditions as may be specified in such separate ordinance and/or a franchise agreement between the city and the local franchisee.
- (e) Any local franchise or license granted shall be nonexclusive. The city specifically reserves the right to grant, at any time, such additional local franchises and licenses as it deems appropriate and or itself engage in the provision of telecommunications services.
- (f) The grant of local franchises by the city shall be subject to the provisions of applicable law, such as the provisions in the Communications Act of 1934, as amended, governing cable television franchises and renewals thereof, and O.C.G.A. section 36-76-1 et seq.
- (g) The city may enter into a nonexclusive right-of-way agreement with broadband service providers that do not provide cable service or telecommunications service.
- (h) A franchise may be granted or right-of-way agreement entered into for all or any defined portion of the city.
- (a) Applications for local franchises, licenses, and right-of-way agreements shall be submitted in such form and be issued on such terms and conditions as the City Council may determine, subject to applicable law.
- (b) Any application for a local franchise, license, or right-of-way agreement shall contain and/or require the following information with respect to the proposed local franchise or license and such other information as the City Council shall deem necessary or appropriate:
 - 1. The applicant's name, address, telephone number and federal employer identification number or social security number; copy of the applicant's corporate charter or partnership agreement as applicable; and any trade names (and registrations) used by the applicant.
 - 2. A detailed statement of the corporation or business entity organization of the applicant, including but not limited to the following, and to whatever extent required by the city:
 - i. The names and the residence and business addresses of all officers and directors of the applicant;
 - ii. The names, residence and business addresses of all persons and entities having any share of the ownership of the applicant and the respective ownership share of each person or entity;
 - iii. The names and address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary

business entity, including but not limited to telecommunications or cable systems owned or controlled by the applicant, its parent and subsidiary, and the areas served thereby;

- iv. A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application pursuant to this chapter, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed telecommunications or cable system in the city, or a statement from an independent certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed cable or telecommunications system in the city;
 - v. A detailed financial plan (pro forma) describing for each year of the franchise or license, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements and a sources and uses of funds statement; and
 - vi. A statement identifying, by place and date, any other cable system or telecommunication franchise or license awarded to the applicant, its parent or subsidiary; the status of such franchise with respect to completion thereof; the total cost of completion of such franchised cable or telecommunication system; and the amount of the applicant's and its parent's or subsidiary's resources committed to the completion thereof.
3. A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:
- i. A description of the cable services and any other telecommunications services proposed to be provided;
 - ii. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;
 - iii. A statement or schedule setting forth all proposed classifications or rates and charges to be made against subscribers and all rates and charges as to each of such classifications, including installation charges, cable service charges and any other telecommunications service charges;
 - iv. A detailed, informative and referenced statement describing the actual equipment and operational standards proposed by the applicant;
 - v. A copy of the form of any agreement, undertaking or other instrument proposed to be entered into between the applicant and any subscriber to cable or telecommunications services; and

- vi. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral or implied, existing or proposed to exist between the applicant and any person which materially relate or pertain to or depend upon the application and the granting of the local franchise or license.
- 4. A copy of any agreement covering the local franchise or license area, if existing between the applicant and any service provider providing for the use of any facilities of the service provider, including but not limited to poles, lines or conduits.
- 5. Any other details, statements, supplementary information or references pertinent to the subject matter of such application which shall be required or requested by the council, or by any other provision of law.

Sec. 707.2-19. - Nonrefundable application fees for new local franchises, right-of-way agreement, or licenses.

- (a) *Generally.* No application for a new local franchise, right-of-way agreement or license shall be considered without payment by the applicant of application fees as provided in this section. If a local franchise or license is granted, application fees will not be deemed a credit towards any other fees or sums due by the applicant. If an application is denied, the application fee will not be refunded.
- (b) *Purpose of application fees.* The application fees provided by this section will serve to cover the direct and indirect costs incurred by the city in processing the application, evaluating the applicant and granting a local franchise or license, and shall include, but not be limited to, administrative, engineering, publication, legal and consultant's expenses.
- (c) *Application fee.* The applicant will be expected to pay the reasonable costs of the city in evaluating the application. Notwithstanding any other requirement of this chapter, each applicant must furnish with its proposal a nonrefundable application fee in the form of a certified check or cashier's check made payable to the city in the amount set forth in the schedule of fees on file with the city clerk.

Sec. 707.2-20. - Responsibilities of applicants.

It shall be the responsibility of each applicant for a local franchise or license to comply with all applicable laws, ordinances, resolutions, rules, regulations and other directives of the city and any federal, state or local governmental authority having jurisdiction.

Sec. 707.2-21. - Evaluation criteria.

- (a) In making any determination hereunder as to any application for a local franchise, right-of-way agreement or license, the City Council may consider such factors as it deems appropriate and in the public interest, including, without limitation:
- (b) The adequacy of the proposed compensation to be paid to the city, including the value of any facilities and services offered by the applicant to the city; the adequacy of the proposed compensation to be paid to the city, including the value of any facilities and services offered by the applicant to the city;

- (c) The legal, financial, technical and other appropriate qualifications of the applicant; the legal, financial, technical and other appropriate qualifications of the applicant;
- (d) The ability of the applicant to maintain the property of the city in good condition throughout the term of the local franchise or license; the ability of the applicant to maintain the property of the city in good condition throughout the term of the local franchise, right-of-way agreement or license;
- (e) The value and efficiency to the city and its residents of the services to be provided, including the type of services to be provided, as well as alternatives to those services and services that may be precluded by the grant of the local franchise, right-of-way agreement or license; the value and efficiency to the city and its residents of the services to be provided, including the type of services to be provided, as well as alternatives to those services and services that may be precluded by the grant of the local franchise, right-of-way agreement or license;
- (f) The willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the local franchise or license; and the willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the local franchise, right-of-way agreement or license; and
- (g) Any other public interest factors or considerations deemed pertinent by the city for safeguarding the interests of the city and the public.

Sec. 707.2-22. - Procedure for consideration of and action on applications.

- (a) The city may make such investigations and take or authorize the taking of such other steps as the City Council deems necessary or appropriate to consider and act on applications for local franchises, right-of-way agreements and licenses and determine whether a local franchise, right-of-way agreement or license should be granted to an applicant, and may require the applicant to furnish additional information and data for this purpose. In considering applications, the City Council may seek advice from other City officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the City Council, which may include recommendations with respect to such applications.
- (b) If the City Council , after considering such information as it determines to be appropriate, elects to further consider one or more applications, the City Council shall set one or more public hearings for consideration of the applications, fixing and setting forth a day, hour and place certain when and where any persons having any interest therein or objections thereto may file written comments and appear before the City Council and be heard, and providing notice of such public hearing in accordance with applicable law.
- (c) The City Council may authorize negotiations between City officials and applicants to determine whether the city and such applicants are able to reach agreement on the terms of the proposed local franchise, right-of-way agreement or license.
- (d) Upon completion of the steps deemed appropriate by the City Council, the City Council may grant the local franchise, right-of-way agreement or license, and may specify the conditions under which it is granted. Alternatively, the city may reject any and all applications from whatever source and whenever received except that the city shall not

grant an exclusive local franchise, right-of-way agreement or license and may not unreasonably refuse to award an additional competitive local franchise, right-of-way agreement or license. The city also reserves the right to waive any or all requirements when it determines that the best interests of the city may be served thereby and may, if it so desires, request new or additional proposals.

Sec. 707.2-23. - Terms and conditions of franchise or right-of-way agreement.

The terms and conditions applicable to any local franchise, right-of-way agreement or license granted pursuant to this chapter shall be set forth in the separate ordinance granting the local franchise or license or in a separate written agreement. Such separate ordinance or written agreement, among other things, shall address the following subjects:

1. The term of the local franchise, right-of-way agreement or license;
2. The local franchise, right-of-way agreement or license area and the services, if any, which are the subject of the local franchise, right-of-way agreement or license;
3. The compensation to be paid to the city, which may include the payment of fees or the provision of facilities or services, or both;
4. The circumstances upon which the local franchise, right-of-way agreement or license may be terminated or cancelled;
5. The mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to ensure the performance of the franchisee's, right-of-way agreement entity's or licensee's obligations under the local franchise, right-of-way agreement or license;
6. The city's right to inspect the facilities and records of the local franchisee, right-of-way agreement entity or licensee;
7. Insurance and indemnification requirements applicable to the local franchisee, right-of-way agreement entity or licensee;
8. The obligation of the local franchisee, right-of-way agreement entity or license to maintain complete and accurate books of account and records, and the city's inspection rights with respect thereto;
9. Provisions to ensure quality workmanship and construction methods;
10. Provisions to ensure that the local franchisee, right-of-way agreement entity or license will comply with all applicable City, state and federal laws, regulations, rules and policies, including, without limitation, those related to employment, purchasing and investigations;
11. Provisions to ensure adequate oversight and regulation of the local franchisee, right-of-way agreement entity or license by the city;
12. Provisions to restrict the assignment or other transfer of the local franchise, right-of-way agreement entity or license without the prior written consent of the city;

13. Remedies available to the city to protect the city's interest in the event of the local franchisee's, right-of-way agreement entity's or licensee's failure to comply with terms and conditions of the local franchise, right-of-way agreement or license;
14. Provisions to ensure that the local franchisee, right-of-way agreement or licensee will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body having jurisdiction over the local franchisee or license, including the Federal Communications Commission;
15. Provisions to ensure that the local franchisee, right-of-way agreement entity or licensee will protect the property of the city and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the local franchise, right-of-way agreement or license;
16. Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the local franchise, right-of-way agreement or license; and
17. Such other provisions as the city determines are necessary or appropriate in furtherance of the public interest.

Sec. 707.2-10. - State franchises.

Every holder of a state franchise within the city shall:

1. Notify the city manager at least ten days before providing service within the geographic boundaries of the city;
2. Update not less often than annually its description of its service area provided in its application to the Georgia Secretary of State; and
3. Maintain a point of contact that shall be available during normal business hours.
4. The city hereby requires a franchise fee as established by ordinance, of gross revenues generated within the city for any state franchise issued for its corporate boundaries. The city hereby authorizes the city Manager to provide written notice to the Georgia Secretary of State and each applicant for or holder of a state franchise within a service area that is wholly or partially located within the city limits of any change to the franchise fee rate applicable to such applicant or holder of a state franchise.

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

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City

Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

**City Council of Peachtree City
Agenda
October 1, 2015
7:00 p.m.**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
Recognize Scott Hicks – 30 Years of Service
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
September 17, 2015, Regular Meeting Minutes
Minutes still being edited, will be added to packet on Monday
- VII. Consent Agenda**
 - 1. Consider Appointments to the Planning Commission**
 - 2. Consider Surplus of Old Freddie the Fire Truck and Andy the Ambulance**
- VIII. Old Agenda Items**
- IX. New Agenda Items**
 - 10-15-01 Public Hearing: Consider Variance Request to Buffer Standards for Major Thoroughfares Ordinance (414, 422, 424 and 426 Robinson RD)**
Applicant seeking to provide 25-foot landscape buffer adjacent to Robinson RD as opposed to 50-foot greenbelt
 - 10-15-02 Consider Amendment to SAFEbuilt Professional Services Agreement**
 - 10-15-03 Consider Adoption of Right-of-Way Occupancy Ordinance**
Memo will be ready next week
 - 10-15-04 Consider Authorization for Title Issue – Abandonment of Line Creek Drive**
- X. Council/Staff Topics**
- XI. Executive Session**
- XII. Adjourn**

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
FROM: City Manager 
DATE: 9/23/2015
SUBJECT: Consider Appointment of Planning Commission Members
Consent Agenda, October 1, 2015

Recommendation:

Appoint Frank Destadio and Jack Bernard to a new term on the Planning Commission beginning 10/1/2015 – 9/30/2018. In addition, appoint JT Raybun as an alternate member in the event a vacancy occurs.

Discussion:

The Selection Committee, composed of Mayor Vanessa Fleisch, Council Member Terry Ernst, Planning Commission Vice-Chair Lynda Wojcik and myself, considered eight (8) applicants for the vacancies on the Planning Commission.

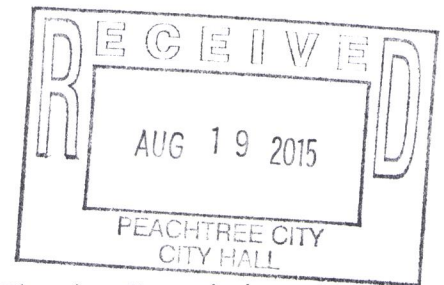
It is the recommendation of the Committee that Frank Destadio be re-appointed to a new term beginning 10/1/2015 - 9/30/2018. We also recommend that Jack Bernard be appointed to a term from 10/1/2015 – 9/30/2018. In addition, the Committee further recommends that JT Raybub is appointed as an alternate to fill any vacancy that may occur.

Copies of their applications are attached for your review.

Budget Impact:

This item should have no budgetary impact.

PLANNING COMMISSION
APPLICATION FOR APPOINTMENT



Thank you for your interest in being considered for appointment to the Planning Commission. Applicants must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are held on the second Monday of each month at 7:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Commission meetings as possible in an effort to become familiar with the responsibilities of the Commission.** Appointees will also be required to attend various Planning Commission Training classes and meetings paid for by the City as part of their service on the Commission. The Commission is responsible for assisting in the administration of the City Zoning Ordinance and Land Development Ordinance and for reviewing site plans and landscape plans for commercial and industrial development.

Please take a few minutes to complete the form below and answer the questions on the reverse side of this form and return it with a resume, if available, to Debbie Lemay, City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by **5:00 p.m., on Friday, September 18, 2015.** Interviews will be held the week of September 28th. Debbie will contact you with meeting times.

If you have any questions, please call (770) 487-7657.

Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME FRANK J. DESTADIO

ADDRESS 404 TANTALLOW

PEACHTREE CITY, GA 30269

TELEPHONE (Cell Phone) (678) 662-2602

(Alt Phone) (770) 632-7603

(Email) fdestadio@yahoo.com

Frank J. Destadio
Signature

August 18, 2015
Date

How long have you been a resident of Peachtree City? **SINCE AUGUST 2000 (15 years)**

Why are you interested in serving on the Planning Commission?

I REMAIN INTERESTED IN SERVING THE CITIZENS OF PEACHTREE CITY AND TO MAINTAINING THE STANDARDS AND CONCEPT OF LIVING HERE.

What qualifications and experience do you possess that would benefit the Planning Commission?
(Licensed/Registered Architect, Landscape Architect)

- 1. BSCE (BACHELOR OF SCIENCE DEGREE IN CIVIL ENGINEERING)**
- 2. MS (MASTER OF SCIENCE IN MANAGEMENT)**
- 3. 30 YR CAREER IN USAF AS A CIVIL ENGINEERING PERFORMING MANY SIMILAR FUNCTIONS ASSOCIATED WITH PLANNING & FUTURE DEVELOPMENT.**

List major jobs you have held during your working career to include name of company and position.

USAF - RETIRED FULL COLONEL
VICE PRESIDENT - PARSONS CORPORATION (PROGRAM MANAGER FOR LARGE (\$1.2 B) FALTON COUNTY SCHOOLS BPOST PGM)
REGIONAL BUSINESS DEVELOPMENT MGR - CH2MHILL (DEKALB PM; FAYETTE WATER ENGINEER OF RECORD)

Do you have any past experience relating to City planning? If so, describe.

- 1. HAVE BEEN ON THE PLANNING COMMISSION FOR 4 1/2 YEARS AND CHAIRMAN FOR PAST THREE (3) YEARS**
 - 2. HAVE ATTENDED THE ATLANTA REGIONAL COMMITTEE (ARC) CITY PLANNING CLASSES**
- Have you attended any Planning Commission meetings in the past year and, if so, how many?
- ALL OF THE MEETINGS (I WAS THE CHAIRMAN)**

Are you willing to take continuing Planning Commission education classes, paid by the City?

YES. I WOULD ATTEND ADDITIONAL CLASSES EVEN IF THE CITY DID NOT PAY FOR THEM.

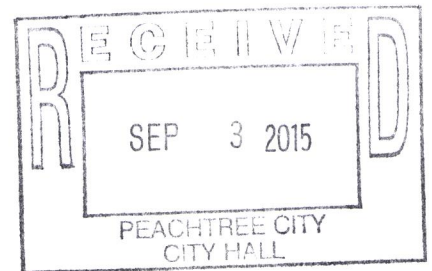
Would there be any possible conflict of interest between your employment and you serving on the Planning Commission?

NO. ABSOLUTELY NOT. I RETIRED IN JUNE 2015

Describe your current community involvement.

- 1. ACTIVE IN MY CHURCH**
PAST GRAND KNIGHT OF OUR KOFC COUNCIL - CURRENTLY THE FINANCIAL SECRETARY
- 2. ATTENDED WASA MTGS AND FAYETTE WATER COMMITTEE**
- 3. ATTENDED CITY COUNCIL MTGS**
- 4. MEMBER OF AMERICAN LEGION POST IN PTC**
- 5. ATTENDED THE FAYETTE COUNCIL BOC MTGS.**

**PLANNING COMMISSION
APPLICATION FOR APPOINTMENT**



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NAME

Jack A. Bernard

ADDRESS

101 Woodsdale Dr

Peachtree City, Ga 30269

TELEPHONE (Cell Phone)

706-224-3365

(Alt Phone)

770-317-5912

(Email)

Bernard-Jack@hotmail.com

Signature

Jack A. Bernard

Date

Sept 1, 2015

JACK ARMAND BERNARD

240 Chickadee Court
Monticello, GA 31064
(706) 468-0662

EXPERIENCE

January 2005 -
Present

VOLUNTEER ACTIVITY - Monticello, GA

Served on various Boards, including the Jasper County Board of Health (twice), Partner-Up for Public Health, and SCORE (SBA affiliate). Mentored several hundred small businesses (SCORE), gave numerous speeches on business development to both community groups and national organizations and taught quarterly workshops in business planning and marketing.

Had 85 health reform op-eds and letters published in a wide variety of publications including Time magazine, NYT, WP, USA Today and every major Georgia newspaper. Have done several radio and tv interviews/shows regarding health reform. Active in Physicians for a National Healthcare Program and Healthcare Now Georgia.

Nov 2004 -
Nov. 2012

Jasper County Government – Monticello, GA

CHAIRMAN OF BOARD OF COMMISSIONERS/COMMISSIONER

Top elected official of County (2 years). Reduced taxes from 10% annual increase to 1 % annual increase. Successfully passed SPLOST for roads, economic development, recreation. Reformed and modernized local government. Balanced budget, started new programs, hired new County manager and new County attorney, replaced numerous commission and board members. Put in place new smart growth zoning ordinances, including conservation subdivisions. Chair, ACCG State Property Tax Sub-Committee.

January 2002 -
Dec 2003

Medassets – Atlanta, GA

SENIOR VICE PRESIDENT, CORPORATE ACCOUNTS

Responsible for sales to large multi-hospital systems regarding Medassets' group purchasing organization (GPO). Using top-level contacts in hundreds of healthcare providers throughout the nation, made cold calls, opened doors, and successfully introduced Medassets (a new company) to these C-suite executives. Formulated sales strategy, made presentations to various individuals within these organizations and had primary responsibility for completing multi-million dollar sales. Reported directly to President of GPO.

January 1996 -
May 2000

Premier – San Diego, CA

VICE PRESIDENT, STRATEGIC DEVELOPMENT

Total responsibility for growth of company's customer (hospital) base. Prepared national sales and marketing plan, including identification of ideal integrated delivery system provider targets. Using extensive collegial network, created interest in Premier among top-level health system executives, developed individualized marketing strategies for each, and secured appointments. Made presentations to CEOs, COOs, CFOs and their Boards regarding Premier's services as well as purchasing stock and a partnership interest in corporate/partnership (a seven figure investment). Included managing overall analysis and sales process, identifying all areas of savings and benefit for each targeted system. Exceeded goals, resulting in tens of millions of

dollars in increased revenue and profit annually for Premier, the largest for-profit health system alliance in the country. Also, had primary corporate responsibility for market research and competitive intelligence regarding for-profit chains, businesses, and alliances. Reported directly to President.

August 1986 -
January 1996

American Healthcare Systems (AmHS) – San Diego, CA

VICE PRESIDENT, MARKETING, PLANNING and COMMUNICATIONS

Full responsibility over all sales, marketing, PR, communications and planning functions, reporting directly to CEO and COO. Developed organization's first strategic and operating plans, successfully reversing organization's decline and increasing profitability. As corporate head of sales and chief marketing officer, sold/marketed AmHS to CEOs and boards of major hospital systems throughout nation, increasing shareholder hospital base by 50%. These new shareholders resulted in millions of dollars in profit through increased annual revenues. Constructed product marketing plans, performed market research and marketed new products. As chief spokesman for organization, began public and press relations program, positioning AmHS as the leading hospital alliance. Strengthened annual report (several awards), news releases, newsletters, brochures and presentation materials. Responsible for linking shareholder managed care programs with AmHS corporate partners. Successfully contracted for group purchases of marketing, market research, telecommunications and related services. Wrote AmHS Purchasing Partners Compliance Policy and Procedures. Ran credit card consolidation subsidiary. Conducted international purchasing negotiations. Designed and implemented shareholder data system. Key participant in AmHS national health care reform effort. Supervised selection of annual AmHS Cares Award (\$135,000 prize) and Tibbitts Award (minority businesses). Directed shareholder Managed Care, Planning, PR/Marketing, and Human Resources committees (senior V.P.s of major hospital systems). Chaired Donations Committee. Staffed Board Membership and Minority Vendor Committees. On AmHS Management Committee; Assistant Secretary of AmHS; Secretary of AmHSCC (financial services subsidiary); on Board of AmHS IMS (insurance subsidiary). One of several key AmHS staff members engaged in the merger of AmHS, Premier and SunHealth.

February 1985 -
August 1986

National Medical Enterprises (NME) – Dallas, TX

FIELD VICE PRESIDENT, ACQUISITIONS and DEVELOPMENT

Responsible for acquisitions, new hospital development and joint ventures in the central part of nation. Position required marketing, business development and political skills. Included market identification and analysis; planning studies; hospital evaluations; development of political support; board and CEO relationships; proposal development; marketing of proposal; and negotiation of associated contracts. Managed any related government relations, including Certificate of Need applications. Coordinated health care campus development (acute care, psychiatric, rehabilitation and long-term care facilities) in Texas and other states. Responsible for development of acute care hospital joint ventures with physicians.

May 1981 -
February 1985

Humana, Inc., Central Region – Louisville, KY

REGIONAL PLANNING MANAGER

Directed development and planning for 23 hospitals (4,500 beds) in Humana's most profitable region, working directly for Regional CEO over these facilities. Identified and analyzed developmental opportunities, demographic trends, and existing health care resources (physicians and facilities). Wrote and supervised preparation of comprehensive marketing studies. Identified potential acquisitions and new hospital projects within an eight state area. Reviewed legislation and acted as liaison with governmental agencies at state and federal level. Supervised and had full direct responsibility for preparation of comprehensive Long Range Plans in all

hospitals. Advised institutions as to service-specific market shares, strategies to expand, marketing techniques, and financial resources required. Monitored implementation of these institutional plans and provided technical assistance in achieving stated goals. Chaired planning/marketing task force set up to establish Humana Heart Institute International. Developed comprehensive, integrated Louisville Master Plan for Humana's four local hospitals. Wrote proposal and handled regulatory aspects for first successful lease of a teaching hospital (University Hospital, 404 beds) by a for-profit system. Was President of Chicago Medical School Hospital subsidiary, a Humana joint venture with a medical school. Did all planning, development, and coordination for project, including negotiation of medical school contracts and preparation of successful CON for new hospital. Promoted to Central Region from Humana's Delta Region.

November 1974 -
May 1981

Georgia Department of Human Resources (DHR) – Atlanta, GA

DIRECTOR of HEALTH PLANNING DIVISION, (SHPDA), DHR

Directed activities of both State Health Coordinating Council (SHCC) Unit and Planning Unit, with a staff of ten. Constructed first Georgia State Health Plan, involving various high level task forces (Governor's appointees), professional health/medical groups, and state agencies. Had responsibility for development of the State 1122 Capital Expenditure Plan. Primary responsibility for representing agency to public and professional groups, making numerous oral and written presentations. Wrote SHPDA responses to Federal Government regarding draft regulations. Total responsibility for SHCC orientation, training and direction regarding state health policy development. Headed "Appropriateness Review" for State, reviewing existing hospital and nursing home services. Also served on a wide variety of national DHHS task forces related to health and manpower planning.

SR. PLANNING and BUDGET ANALYST, COMMISSIONER'S OFFICE, DHR

Total responsibility for successful development and coordination of planning and budgeting process for largest department of State government (budget of over one billion dollars). Served as Acting DHR Planning Director. Staffed confidential policy planning meetings between Commissioner and his subordinates: State Directors of Physical Health, Mental Health, Rehabilitation, and Welfare. Constructed the Departmental budget request to the Governor based on these meetings. Acted as Commissioner's primary liaison with Division of Mental Health and Retardation. Performed high level confidential health care policy studies. Primary Departmental reviewer of proposed state and federal legislation in health areas. Worked directly with top level policy makers in executive and legislative branches, including legislators and Lieutenant Governor.

DIRECTOR OF CONTRACT SERVICES (TITLE XX), DHR

Negotiated, contracted for and managed 200 service provision contracts with outside not-for-profit provider agencies. Forty-five million dollars administered in purchasing services. Had overall responsibility for identifying service provider agencies, negotiating contracts (including rate setting), monitoring fiscal and program compliance, and planning. Required in-depth knowledge of Federal fiscal and program regulations. Program areas: mental disability, rehabilitation, substance abuse, and day care. Supervised ninety individuals in fiscal, program and planning units.

EDUCATION

Harvard University, School of Public Health, Cambridge, Mass.

- Certificate in Health Policy, Planning and Regulation

Georgia State University, Atlanta, Georgia

- Master of Public Administration; Grade Point Average: 4.0
- Bachelor of Arts, Major: Political Science, Minor: Business Administration; Grade Point Average: 3.5

OTHER

HONORS AND ACTIVITIES:

Dean's List with Distinction (twice); Blue Key Honor Fraternity; National Merit Letter of Commendation; Regents' Scholarship; Board of Directors of Public Personnel Association; Social Planning Committee of Georgia Planning Association; Vice President, MPA Association; Atlernate, San Diego County Health Care Reform Commission; Board of Directors, American Heart Association, Carlsbad, CA branch; Board of Directors, Jasper County Health Department; Board of Directors, NE Georgia Regional Development Commission; Delegate, Republican State Convention, GA. Guest lecturer in Georgia State University Graduate School of Health Care Administration, Emory University Graduate School of Public Health, Georgia Institute of Technology Graduate School of Health Systems Engineering, San Diego State University School of Public Health, National University of San Diego, and University of Louisville Graduate Health Systems Program. Member of Society of Competitive Intelligence Professionals; Georgia Mental Health Association; American Hospital Association; AHA Society For Hospital Planning and Marketing; Federation of American Health Systems; and Associate, American College of Healthcare Executives. Listed in *Who's Who Registry of Global Business Leaders*, *Who's Who Worldwide*, *Who's Who in Advertising*, *Who's Who Among Emerging Leaders*, *Who's Who in the Media and Communications* and *Who's Who for the Business of Health Care*. Awards received from American College of Physician Executives and Forum regarding AmHS strategic plan. National awards from Printing Industries of America and regional awards from Healthcare Communicators of San Diego for AmHS Annual Report.

MAJOR PUBLICATIONS:

"Strategic Plan Focuses on Cost Savings: in *Innovations* '92 (American College of Physician Executives)

"Multi-Year Contracts for Pharmaceuticals" in *Pharmaceutical Executive* (with James D. Herrick)

"Quality of Care: The Real Bottom Line" in *Trustee* (with Monroe E. Trout, M.D.)

"Case Study: American Healthcare Systems" in *Health Care Systems: Case Studies*, AHA

"Symposium on Cost Containment Issues in Spine Surgery" in *SPINE* (with Vert Mooney, M.D., Melvin Friedman, M.D. and Gideon Letz, M.D.)

"The Ever Changing Face of Health Care" in *Price Club Journal*

"Cost Benefit and Funding" in *Day Care and Early Childhood Education*

"Cost Benefit Analysis and Mental Retardation Centers" in *Mental Retardation Journal*

"Appropriateness Review" in *Journal of the Medical Association of Georgia*

"Evaluating Mental Health Service Systems: A Case in Retrospect" in *New Directions for Program Evaluation* (with R. J. Wooldridge)

Plus, editor of quarterly newsletter (*Network News*) and *AmHS Annual Report*

PAPERS PRESENTED:

"Health Planning and Allied Health" at Medical College of Georgia

"The Inter-relationship of Family Planning Programs with Health Planning" at State Family Planning Conference

"Future Trends in Dental Health Planning" at American Dental Association Conference (South Region)

"Mental Health System Evaluation" at Institute for Health Planning Mental Health Conference

"Product Line Planning" at Mercer Hospital Services Annual Educational Conference

"Economic Development Impact of the Georgia Department of Human Resources" (prepared for

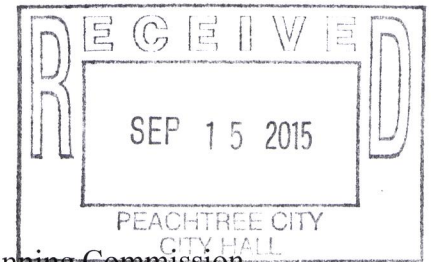
and presented to Lt. Governor Miller and Senate Committee)
“Cost Containment and Health Care Reform” at American Spine Society National Symposium
“National Account Management” at several SMG conferences
“Creating the Integrated Delivery System” on Panel for Congressional Staff (Washington)
“Patients First: Health Care Reform” for National Renal Administrators Association
“Purchasing Alliances: How They Impact Your Bottom Line” for Contract Management
Industry Association National Conference
“The Evolution of National Healthcare Alliances” for Healthcare Information Executives Forum

**MAJOR
REPORTS:**

“The Regressive Tax Structure of Georgia” (for OEO)
“Mental Health Outpatient Care in Georgia: An Analysis” (for Commissioner of Human
Resources)
“Analysis of Contract Services Organizational Structure and Function” (for Governor’s Office
of Planning and Budget)
“Statistical Analysis of Variables in State Employee Attitudes” (for DHR)
“Operation Advocate: Year End Report” (for LEAA)
“Georgia State Health Plan” (for Governor’s office)
“Louisville Master Plan” (for Humana, Executive Vice President)
“AmHS Strategic Plan”
“Exemplary Efforts to Serve the Medically Indigent” (AmHS)
“Corporate Partners Study” (AmHS)

Plus dozens of other major health policy and planning reports and studies

PLANNING COMMISSION
APPLICATION FOR APPOINTMENT



Thank you for your interest in being considered for appointment to the Planning Commission. Applicants must be a legal resident of the State of Georgia and have been a resident of Peachtree City for at least six months prior to the date an application is submitted. Elected officials of any governmental jurisdiction in the County and City employees are not eligible for appointment.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are held on the second Monday of each month at 7:00 p.m. Members are required to attend a minimum of eighty percent (80%) of all meetings. Applicants are encouraged to attend as many Commission meetings as possible in an effort to become familiar with the responsibilities of the Commission. Appointees will also be required to attend various Planning Commission Training classes and meetings paid for by the City as part of their service on the Commission. The Commission is responsible for assisting in the administration of the City Zoning Ordinance and Land Development Ordinance and for reviewing site plans and landscape plans for commercial and industrial development.

Please take a few minutes to complete the form below and answer the questions on the reverse side of this form and return it with a resume, if available, to Debbie Lemay, City Hall, 151 Willowbend Road, Peachtree City, GA 30269 by 5:00 p.m., on Friday, September 18, 2015. Interviews will be held the week of September 28th. Debbie will contact you with meeting times.

If you have any questions, please call (770) 487-7657.

Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

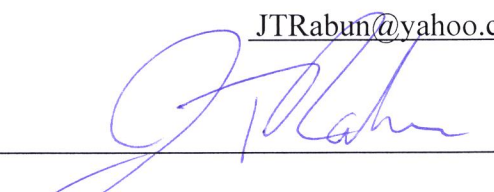
NAME **JT Rabun**

ADDRESS 101 Laurel Court, Peachtree City, GA 30269

TELEPHONE (Cell Phone) _____

(Alt Phone) 770-631-1263

(Email) JTRabun@yahoo.com

Signature 

28 Aug 2015
Date

JT Rabun

J.T. Rabun, P.E.

Professional Registration and Certifications

- 1995 Professional Engineer in Georgia
- 1990 Land Surveyor in Training in Georgia
- 2014 GSWCC Level 2, Introduction to Design
- 2015 OSHA 40-hour HAZWOPER

Experience

February 2004 – Present Georgia Department of Transportation Forest Park, GA

Assistant State Materials and Research Engineer

- Manage Office assigned mixed use fleet of up to 300 vehicles
- Manage Office equipment assets of ~1,200 pieces valued at ~\$6.7 million
- Manage Office budget of ~\$24 million
- Manage the Quality Assurance, Pavement Management, and Administrative Branches
- Manage Research Branch and AASHTO Research Advisory Committee Member (2004 – 2012)
- AASHTO Standing Committee on Performance Management Committee Member (2005 – 2012)
- TRB – AFH20 – Management of Quality Assurance Committee Member
- TRB – AHD18 – Pavement Preservation Committee Member
- Panel Member, NCHRP 20-24(37(B): Measuring Performance among State DOTs: Sharing Best Practices (International Roughness Index)
- Implemented Pavement Type Selection Process in GDOT Pavement Management Program

September 2001 – January 2004 Georgia Department of Transportation Forest Park, GA

State Pavement Engineer

- Managed and established vision and direction of newly created Pavement Management Branch
- Served as Chair of GDOT Pavement Design Committee
- Implemented Life-Cycle Cost Analysis in GDOT Pavement Management Program

February 2001 – August 2001 Georgia Department of Transportation Atlanta, GA

Regional Bridge Inspection Engineer

- Managed three bridge inspection teams
- Served on Bridge Inspection Quality Control/Quality Assurance Team

July 1995 – January 2001 Georgia Department of Transportation Forest Park, GA

Materials and Research Branch Supervisor; Geotechnical Engineer

- Managed the field operations of the GDOT Geotechnical Bureau
- Involved in various aspects of transportation geotechnical engineering including foundation design, soil surveys, soil stabilization, landslides, and forensics

December 1990 – July 1995 Georgia Department of Transportation Atlanta, GA

Transportation Engineer

- Involved in various aspects of roadway design from concept to final plans
- Served as pavement design representative for the Office of Road Design

Education

1991 – 1994 Georgia Institute of Technology Atlanta, GA

Bachelor of Civil Engineering

1987 – 1989 Southern College of Technology Marietta, GA

Bachelor of Science Civil Engineering Technology

Associate of Science Civil Engineering Technology; Surveying

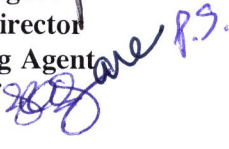
References

References are available on request.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 
Finance Director
Purchasing Agent 
Fire Chief 

FROM: John Dunlap, Fire Marshal 

DATE: September 21, 2015

SUBJECT: Surplus of (Old) Freddie the Fire Truck and Andy the Ambulance

Recommendation:

The department recommends that Council declare as surplus our original Freddie the Fire Truck robot and Andy the Ambulance shell so they may be donated to Chattahoochee Hills Fire Department.

Discussion:

As you may recall, the Fire Department recently received a new Freddie the Fire Truck as a key component of our Fire Safety Public Education program. This purchase was made without tax payer's funds through a grant from Coweta Fayette EMC and matching funds from the Peachtree City Volunteer Firefighter's Association, totaling approximately \$10,500. This purchase was made in order to replace our original Freddie the Fire Truck and Andy the Ambulance purchased in 1999.

The department received a request for the 'old' Freddie from the Chattahoochee Hills Fire Rescue Department to assist with their Public Education program. They are a small department with limited resources and are looking to bolster their program. They have personnel who are experienced in working with older technology such as the old Freddie the Fire Truck and believe they can restore it to full functionality. Freddie has been a very successful component of our Public Education program in Peachtree City and this donation would allow the Chattahoochee Hills community to experience similar results.

Budget Impact:

In its present condition, Freddie the Fire Truck can still be used to a limited degree, however it does not retain much monetary value as the technology is quite outdated and in need of repair to restore it to full functionality. We believe passing this unit along to Chattahoochee Hills will enhance their Public Education program and is an appropriate donation.

**Gregory C. Brett***Fire Chief*

Chattahoochee Hills Fire & Rescue

770-463-8177 • greg.brett@chathillsga.us

6615 Rico Road Chattahoochee Hills Georgia 30268

MAYOR

Tom Reed

CITY COUNCIL

John Taylor

Richard Schmidt

Claire Williams

Faye Godwin

Don Hayes

www.chathillsga.us

(770) 463-8881

Fax (770) 463-8550

August 26, 2015

Peachtree City Fire Rescue Department
c/o Fire Marshal John Dunlap
105 North Peachtree Parkway
Peachtree City, GA 30269

Dear Marshal Dunlap and Chief O'Connor:

Thank You for your continuing commitment to help Chattahoochee Hills Fire Rescue Department during our early growth years. Your support is more important than you may realize.

As we endeavor to provide services and education to our citizens and those who visit our city, we sometimes find our efforts are deficient due to lack of resources. Your department's willingness to help us with a donation of equipment (ie. *Freddy the Firetruck* and *Andy the Ambulance*) is a tremendous help—**THANK YOU!** We would indeed be happy to receive this and any other equipment to enhance our community affairs programming.

We are grateful for the ongoing support of our partners at Peachtree City Fire Department. Please do not hesitate to phone me if you need additional information or to provide directions regarding this donation.

Many thanks and regards,

Greg Brett, Chief of Fire
Chattahoochee Hills Fire Rescue Department
770-463-8177 office, 770-367-4802 mobile

cc: J. Dipasquale, City Manager

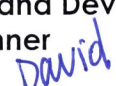


TREE CITY USA

STAFF REPORT

TO: Mayor and Council Members

VIA: Jon Rorie, Interim City Manager 

FROM: Mike Warrix, Planning and Development Director 
David Rast, Senior Planner 

DATE: September 23, 2015

REQUEST: Consider Variance Request to Section 723.2(b) of the Land Development Ordinance (PV15-0006)
October 1, 2015 City Council Agenda

Background

The subject properties are located at 414, 422, 424 and 426 Robinson Road. They are the result of a subdivision that was approved by City Staff on October 27, 2014 of the 4.3 acre "Hayes Tract" into four (4) one acre residential lots. The properties are currently zoned R-43 Residential. Robinson Road is classified as a Community Collector Road.

Section 723.2(b) of the City's Land development Ordinance states that "a continuous 50-foot-wide (minimum) city-owned greenbelt buffer shall be established for any residential development adjacent to a community collector road". **This requirement was overlooked by City Staff during the platting process of the four lots in question and the Final Plat was subsequently recorded in error.** The greenbelt buffer required by Section 723 should have been identified and dedicated to the City as a part of the plat review and recording process. To complicate the situation, the recorded lots were sold to Zenco Development, Inc. (Applicant), who subsequently submitted a Building Permit application and site engineering plans for the development of a home on Lot 1. A Land Disturbance Permit was issued on May 12, 2015 and the Building Permit was issued on August 27, 2015. As soon as City Staff realized the subdivision was recorded in error, the Applicant was notified and a hold was placed on both permits until the issue could be resolved.

It is important to note that City Council has already approved three variances for the subject properties. The first variance request was heard and approved by City Council on July 17, 2014. This variance removed the requirement to provide a centralized stormwater facility for the overall subdivision and to dedicate the facility to the city for long-term maintenance. Instead, the Applicant was permitted to install water quality features on each lot which would be owned and maintained by the property owner as opposed to be being owned and maintained by the city.

Request for Variance: Robinson Road/Hayes Tract

September 23, 2015

Page 2

The second variance was approved on September 18, 2014, and permitted a new driveway on Robinson Road. The driveway would serve the proposed home on Lot 1 as well as provide access to the existing Griffith/ Talley tracts through a dedicated access easement across Lots 1 and 2. The home on Lot 2 would maintain access from an existing driveway/ curb cut and the homes on Lots 3 and 4 would share the existing driveway/ curb cut to the former home on the property.

A third variance was also approved on September 18, 2014, and corrected an issue related to the existing gravel drive on the property that provides access to the Griffith/ Talley tracts. The gravel drive will be relocated such that access to these lots will be through Lot 1. The variance was granted to permit the driveway to serve more than two single-family residential lots.

The Applicant has submitted another variance application and is requesting that the 50 foot greenbelt buffer requirement be removed from the property and replaced with a 25 foot "landscape buffer". A copy of the variance application and supporting documentation is included as Attachment "A".

Variance Process

Section 1302 of the Land Development Ordinance states:

Variations shall only be granted upon showing that:

- 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 land development ordinance; or
- b) The application of the particular provision of the land development 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.

Review Criteria

Section 1303 of the Land Development Ordinance states:

In reviewing a request for a variance, the City Council shall not grant the request unless all of the following findings can be made:

- (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;**

Request for Variance: Robinson Road/Hayes Tract

September 23, 2015

Page 3

Staff finds there are special circumstances (shape and size) applicable to the subject properties. However, these circumstances may have been avoided and/ or mitigated if the property owner was not trying to subdivide and build four (4) homes on lots that are not deep, and in the absence of an error on the part of the City during the subdivision platting process. It is the opinion of staff the strict application and enforcement of applicable ordinances would not deny the property of privileges enjoyed by other properties.

- (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 finds the strict or literal interpretation of Section 723 would result in practical difficulties in developing the subject lots. However, it is the opinion of staff that the request is inconsistent with the general purpose and intent of the Land Development Ordinance and that Applicant would not be deprived of privileges granted to others. In this instance, granting the variance would provide a privilege to the Applicant that is not granted to similarly situated property owners.

- (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 finds there are exceptional or extraordinary conditions applicable to the subject properties. However, these circumstances and conditions are the result of the previous property owner attempting to subdivide an existing developed lot into four (4) lots, as well as an error made during the subdivision platting process. As stated previously, the existing lot depths of the subject tracts is insufficient to adequately accommodate the required greenbelt buffer and the required zoning setbacks.

- (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 finds that the granting of the requested variance would constitute the granting of special privileges not available to other properties.

- (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.**

Request for Variance: Robinson Road/Hayes Tract

September 23, 2015

Page 4

Staff finds granting the variance would be detrimental to the public health, safety, or general welfare, and could lead to issues in the future with respect to redevelopment of lots in excess of one (1) acre. By granting the variance, it could be argued a precedent would be set that may impact other tracts of land that are considered for subdivisions in the future. Granting the variance may also have an adverse effect on properties and/ or improvements within the immediate area.

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

Staff finds that the granting of the requested variance would be inconsistent with three specific policy statements contained in the City's adopted Comprehensive Plan, including:

Design subdivisions that highlight the layout of the land, and are screened from the major roadways with natural buffers or geographical features. (Goal 1.1 Housing)

Enforce and strengthen existing ordinances and develop new ordinances that help preserve environmentally sensitive areas. (Goal 1.6 Land Use)

The removal of any tree should be limited to those that are absolutely necessary. (Goal 1.7 Natural Resources)

Recommendation

Staff acknowledges that an error was made during the platting of the four lots in question. It is the opinion of staff the variance request is not in harmony with the purpose and intent of the Land Development Ordinance and does not meet the criteria for granting variances under the City's Ordinances, as outlined in this paper. As a result of these factors, staff is unable to support the variance and recommends that the request be denied.



Please use blue or black ink to fill out this form.

VARIANCE APPLICATION

153 Willowbend Rd, Peachtree City, GA 30269

P: 770-487-5731

F: 770-631-2552

WWW.PEACHTREE-CITY.ORG

Admin. Variance Fee: \$25.00

Variance Fee: \$250.00

Receipt # 13090

Date Filed 09 / 08 / 15

Case # PV15-0006

Office Use Only

VARIANCE LOCATION	Street Address <u>414, 422, 424 and 426 Robinson Road</u>	PROPERTY OWNER	Name <u>Zenco Development, Inc.</u>
	Zoning District: ☒ Residential ☐ Multi-Family ☐ Commercial/Industrial/Office		Phone <u>(770) 318-5026</u>
VARIANCE TYPE: ☐ Administrative ☐ Special Exception ☒ Variance (check one below)	Variance from which ordinance: ☐ Sign ☐ Fence ☒ Land Development ☐ Zoning	PROPERTY INFO	Subdivision: <u>Robinson Road/ Hayes tract</u>
			Phase: _____ Lot # <u>1, 2, 3 and 4</u>
APPLICANT	Name <u>Karl Franzen</u>	SUPPORTING DOCUMENTS	Please submit the following evidentiary items in support of this application and the requested variances. (Please check off the items that are attached to this application) ☒ Site plan (with property lines and proposed work) ☒ A detailed report justifying the requested variance ☐ Letters of support from adjacent property owners ☐ Digital Photographs \ Renderings (CD or Email) ☒ Other Items Demonstrating Need (topo. Survey, etc)
	Address <u>P.O. Box 73372</u>		
City, State, Zip <u>Newnan, GA 30271</u>			
Phone # <u>(770) 318-5026</u>			
	Email <u>karl@zencodevelopment.com</u>		

ADMINISTRATIVE VARIANCE	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Does the application pertain to a zoning setback?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☐ No	
	4.) How long has the violation existed?	_____ Years	
	5.) What is the required setback?	_____ Feet	
	6.) How much of a variance is being requested?	_____ Feet	
	7.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	

SPECIAL EXCEPTION	1.) Is a current survey included with the application?	☐ Yes ☐ No	Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application)
	2.) Has property been rezoned or deed restrictions?	☐ Yes ☐ No	
	3.) Is the violation an existing setback violation?	☐ Yes ☐ No	
	4.) Application for a bldg setback, fence, or parking?	(Circle One)	
	5.) What is the required setback, height, or spaces?	_____	
	6.) How much of a variance is being requested?	_____	

VARIANCE	Please review the ordinances and instructions on the back of this page.		Briefly describe why this variance is being requested: (A separate detailed report is still required to be attached to this application) Seeking to change 50' greenbelt requirement adjacent to Robinson Road to 25' landscape buffer due to limited depth of lots
	1.) Is a current survey included with the application?	☒ Yes ☐ No	
	2.) How much of a variance is being requested?	<u>25</u> Feet	
	3.) Were you the owner of the property when the violation occurred? (If not, who was?)	☐ Yes ☐ No	

I hereby certify that I am the owner of the property on which a variance is being requested and that all information provided as a part of this application is true and correct.

Signature of Owner/Agent: [Signature]

Date 9-8-15

OFFICE ONLY

ADMINISTRATIVE VARIANCE	Signature: _____	☐ Approved ☐ Denied ☐ Approved with Conditions
Date of Acceptance: _____	Date of Hearing: _____	

SPECIAL EXCEPTIONS & VARIANCE FROM ORDINANCES	This application, along with the required fee and all necessary supplemental documents, has been properly submitted and is hereby accepted for consideration by the City Council at a public hearing in the City Council Chambers at 7:00 PM on the date shown below:		
Signature: <u>David E. Rant</u>	Date of Acceptance: <u>09-08-15</u>	Date of Public Hearing: <u>10-01-15</u>	

RECEIVED SEP 11 2015

September 8, 2015

Mr. David Rast
Senior Planner
153 Willowbend Road
Peachtree City, Georgia 30269

Re: Zenco Development Inc. Variance Request

Dear Mr. Rast:

This letter is the formal request for a Variance of the 50' Greenbelt requirement adjacent to Robinson Road to a 25' landscape buffer due to the limited depth of the lots on Robinson Road.

Variance Request: 50' Greenbelt to a 25' Landscape Buffer

I am requesting a Variance to reduce the 50' Greenbelt that is currently in place on the 4 lots of Robinson Road/Hayes Tract to be changed to a 25' landscape buffer due to the limited depth of the building lines required on each one of these lots. There is currently a 30' non-disturbed buffer along the back part of the property setting the precedence for the back building line. Each one of these lots will involve clearing all the trees that sit in front of the 30' non-disturbed buffer in order to get the grading completed correctly and to achieve the extensive amount of work that will be required on each of the lots. The small footprint of the building lines, the size of the bio retention pond, the driveway, and the septic requirements will hinder the size allotted for building a suitable floor plan to these beautiful lots. If trees are to remain on the front of the lot, we also will not be able to accommodate for water drainage appropriately and abide by the requirements for the approved retention ponds. Without the variance Lot 2 allows only for a 42' building line, and Lot 3 allows only a 38' building line. If the 50' greenbelt remains and this variance is not approved, all 4 lots on Robinson road will be deemed non-buildable.

Additionally, the variance will allow for a landscape package that will enhance the drainage, functionality, and curb appeal of the property. The intended landscape package will include at least eight 2" Caliber trees planted continuously along the cart path on property.

Additionally, there is an attached survey showing the intended driveway locations for each lot. On Lot 1 the bio retention pond and septic line locations do not allow adequate space for a new entrance to connect to the existing driveway. The attached survey shows the intended entrance for Lot 1 located 18' past the existing power pole. The entrance location would comply with the acceptable site distance, allow the existing retaining wall along the cart path to remain undisturbed, and leave the 30' non-disturbed buffer unchanged. Furthermore, the attached survey shows the intended residential entrance for Lot 2 connecting to the existing gravel driveway, thus eliminating the need for an additional

driveway cut. This survey allows for maximal use of the existing drive whilst minimizing disturbances.

To reiterate, I am requesting the 50' Greenbelt be changed to a 25' landscape buffer. If this cannot be achieved, the 4 lots on Robinson Road will be deemed non-buildable.

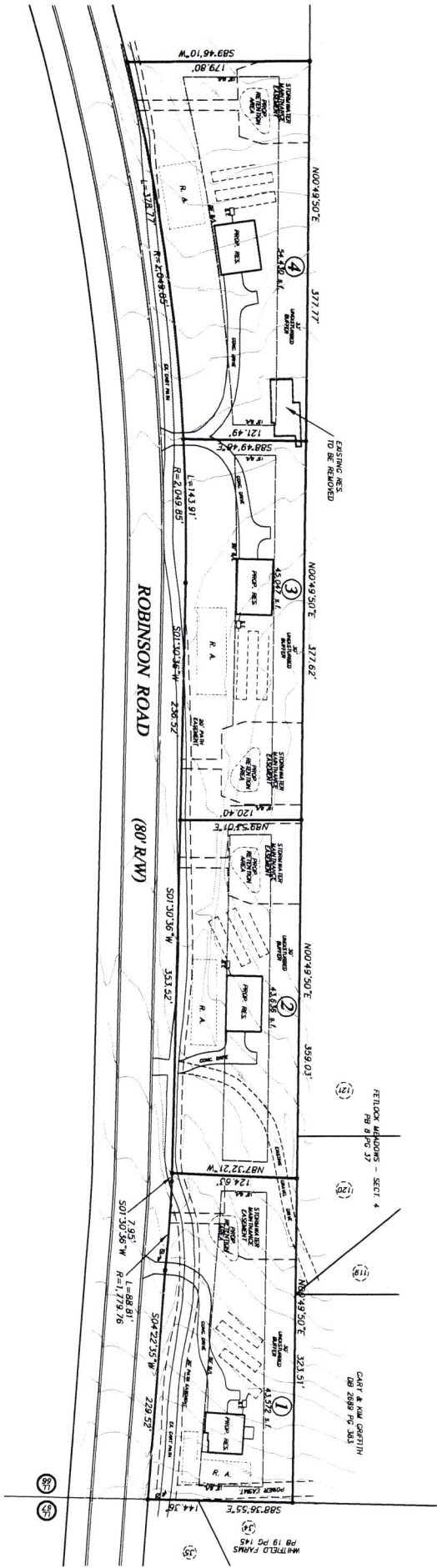
The landscape buffer will include at least eight 2" trees planted continuously along the front of the property adding to the aesthetics on Robinson Road. Also, if the current underbrush and pine trees cannot be removed, proper drainage and grade requirements for the retention ponds will not be achieved. This will better accommodate neighbors' concern regarding water drainage. Lastly, if the attached driveway changes were not approved, the retention pond location would have to be relocated. There is no alternative space to move the retention pond and the septic system. This will also help with the drainage concern and run off on this property. Not approving this variance will ultimately make the four lots on Robinson Road non-buildable.

Best Regards,

Karl Franzen

A handwritten signature in black ink, appearing to be 'Karl Franzen', written over the printed name and company name.

Zenco Development Inc.



LANDMARK
CONSTRUCTION SERVICES, INC.

800-456-7800
Hawthorne, CA 90250
Phone (404) 456-4313
-land surveying
-land planning
-land development design
-construction input



SITE PLAN FOR:
LOTS 1-4 - Robinson Road
Land Lot 66, 7th District
City of Peachtree City, Fayette County, Georgia
Date: Sept. 24, 2015 Scale: 1" = 50'

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Jonathan Rorie, Interim City Manager 
Paul Salvatore, Financial Services Director 
Kelly Bush, Assistant Finance Director 

FROM: Mike Warrix, Planning and Development Director 

DATE: September 23, 2015

SUBJECT: Supplemental Building Department Services
October 1, 2015 City Council Meeting

Recommendation: Approve amendment to SAFEbuilt Professional Services Agreement.

Discussion: Attached is a proposal from SAFEbuilt to provide one full-time Permit Technician to work the front customer service counter in the Building Department, as planned for in the FY 2016 budget. To provide this staff person, SAFEbuilt is proposing an increase in their current "percentage of fee" rate from 70 percent to 75 percent. It is important to note that it is the intent for the Building Department to be self-supporting and funded entirely through fees assessed for various permits and inspections. The SAFEbuilt Permit Technician will be funded entirely through fees collected by the Department.

The current Permit Technician will be reclassified as a Planning/Engineering Technician and reassigned within the Planning and Development Department. This position will be tasked with a variety of planning, zoning, permitting, engineering, stormwater, and related administrative duties.

Budgetary Impact: Funding in the amount of \$52,000 was included in the FY 2016 Budget for the outsourced Permit Technician. Funding will be shared between the Planning and Development, Engineering, and Stormwater Departments for the budgeted Planning/Engineering Technician. As indicated above, the actual cost of the Permit Technician position will be dependent upon actual FY16 permit revenue.



AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

Amendment to the Professional Services Agreement effective October 10, 2012, between the City of Peachtree City, Georgia, (City) and SAFEbuilt Georgia, Inc., whom as of October 01, 2014 has merged into and consolidated with SAFEbuilt Georgia, LLC a limited liability company (Corporation). The City and the Corporation shall be jointly referred to as the "Parties".

Agreement Amendment Effective Date: This Amendment shall be effective on the latest date on which the Amendment is fully executed by both parties.

Agreement is hereby amended as follows:

Exhibit A, List of Services and Exhibit B, Fees is hereby amended by adding the following service and updating fee percentage set forth below.

Corporation will provide front counter services utilizing one (1) Full Time and one (1) Half Time Permit Technician at the following rates:

- ✓ One (1) Half Time Permit Technician - \$47.44 hourly (Annual cost calculation: \$49,336 for 1040 hours)
- ✓ One (1) Full Time Permit Technician – increase percentage of fee rate from 70% to 75%

RESIDENTIAL FEES:	
Building Permit Fee	75%
Plan Review Fee	75%
Re-submittal	75%
Additional Remodeling	75%
Demolition Permit	75%
Re-Roofing	75%
Garages	75%
Decks and Porches	75%
Fences	75%
Accessory Buildings	75%
Swimming Pools	75%
Swimming Pool Fence	75%
Electrical Trade Permit	75%
Plumbing Trade Permit	75%
HVAC Trade Permit	75%
Fireplaces	75%
Re-inspection Fee – 1 st	75%
Re-inspection Fee – 2 nd	75%
Re-inspection Fee - subsequent	75%
COMMERCIAL FEES:	
Building Permit Fee	75%
Plan Review Fee (new & add/renovation)	75%
Re-submittal	75%
Additional Remodeling	75%
Re-Roofing	75%
Demolition Permit	75%
Electrical Trade Permit	75%
Plumbing Trade Permit	75%
HVAC Trade Permit	75%
Re-inspection Fee – 1 st	75%
Re-inspection Fee – 2 nd	75%
Re-inspection Fee – subsequent	75%

Non-Permitted Activity	\$75.00/hour
Investigative Services (by City request only)	\$75.00/hour
Testimonial Services (by City Request only)	\$75.00/hour
After-Hours Emergency Calls (by City request only)	\$75.00/hour
Building Official and Administration Services	No Charge
Disaster & Emergency Response Services	No Charge
Code Enforcement and Unsafe Building Services	\$75.00/hour

The original Agreement, Exhibits and terms shall remain in effect.

IN WITNESS HEREOF, the undersigned have caused this Amendment to be executed in their respective names on the dates hereinafter enumerated.

City of Peachtree City, GA

SAFEbuilt Georgia, LLC

Signature

Signature

Name: _____

Name: _____

Title: _____

Title: _____

Date: ____/____/____

Date: ____/____/____

Attest:

Attest:

SUMNER | MEEKER
LLC
ATTORNEYS AT LAW

THEODORE P. MEEKER, III

14 EAST BROAD STREET
NEWNAN, GEORGIA 30263

TELEPHONE 770-251-1750
FACSIMILE 770-251-1770

TO: City Council
City of Peachtree City

FROM: Theodore P. Meeker, III 
City Attorney

DATE: September 25, 2015

RE: Abandonment of Line Creek Drive – title issue

A title issue has arisen with respect to the abandonment of Line Creek Drive. In particular, title to a portion of the right of way, a 30' by 30' parcel, was not conveyed back to the City by GDOT. That parcel was conveyed to the former owner, Capital City Development.

Negotiations with the owner has resulted in a tentative agreement to acquire this property for the price of \$10,000.00. The city has also discussed adding this amount to the purchase price of the Line Creek Drive and Line Creek Court right of way by Trinity. Trinity has agreed to add this amount to the purchase price for the road abandonment. In short, the City will be reimbursed the amount of this purchase in the transaction with Trinity.

I am requesting authorization to finalize the transaction with Capital City to acquire this parcel.

TPM/kg