

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Betsy Tyler, Public Information Officer/City Clerk 

DATE: August 30, 2018

SUBJECT: Ordinance Amendments Preview
September 6, 2018, City Council Meeting

Staff is forwarding several housekeeping ordinances and amendments for Council review:

NON-DISCRIMINATION ORDINANCE

Peachtree City has long had policies in place against discrimination. The proposed ordinance adopts language that Cities are now encouraged to codify in addition to any policies in place.

STORMWATER MANAGEMENT FOR NEW DEVELOPMENT

When the Stormwater Ordinance was updated in 2016 as part of the City's adoption of the 2016 Georgia Stormwater Management Manual, one change in a subparagraph under Permit Procedures and Requirements was omitted. This will correct the error.

WATER & SEWERAGE AUTHORITY

This year, the Georgia Legislature made changes to the enabling legislation for the Peachtree City Water & Sewerage Authority. The City of Peachtree City incorporates this legislation into the laws related to the City Charter. The proposed amendments will update the City's ordinance to reflect the changes passed by the State.

MUNICIPAL COURT – PRE-TRIAL INTERVENTION PROGRAM

The current ordinance established a specific fee for the referenced program. That fee can actually be as high as \$1,000, depending on the violation. This amendment will bring the ordinance in line with the process.

Barring any concerns from Council, staff anticipates placing these amendments on an agenda in October.

New Ordinance Preview – Administration Ordinance

Sec. 2-2. - NON-DISCRIMINATION

Sec. 2-2.1. - Purpose and intent.

Throughout this Code, provisions are made for the issuance by the city of various licenses, permits, and approvals. Some are required by federal or state law while others are part of a comprehensive regulatory scheme adopted by this council. The council finds that the number of ever-increasing demands on city staff, resources, and infrastructure is limited, not only by budgetary constraints, but physical limitations and manpower. It is the objective of this council to utilize its resources wisely, fairly, and in the most efficient manner, while requiring consideration of criteria and standards without discrimination or favor. The intent of this article is to recognize and provide guidance for city staff and this council as the city's governing authority to ensure that city services, privileges, and benefits are delivered in a non-discriminatory manner.

Most all forms of licenses, permits, and approvals required by the city involve some form of deployment of city resources. In order to conserve and allocate these resources wisely, the city often must balance competing factors affecting its citizens, property owners, residents and businesses. Licensing and permitting often requires some form of due process, or notice, and can only be approved following a hearing or other means of allowing citizens to be heard. Adequate advance notice to the pertinent city staff is key to timely and relevant decision-making, as well as a full understanding of material facts and the applicant's objectives. Normally, the burden is on the applicant to apprise the city staff of material information by filing a complete application.

Fees charged in relation to permits or licenses are established to recoup the city's cost of permit/license review and administration. In certain cases, the fee will also seek to recoup anticipated costs to the city for the burden placed on infrastructure and services, such as additional security and traffic control. The upfront payment of required fees is part of the submission of a complete application. Waiver or reduction of fees and waiver of a complete written application is discouraged, except as incentives for economic development, and should only be approved by the city manager, upon written recommendation of a department manager.

Last, while it is the general intent of this council to make its permitting and licensing procedures as simplified as possible, the need for fully informed decision-making by city staff and this council mandates the need for consistency and transparency, which are only attainable through a written application process, followed by documented verification and review. In all instances where applications are filed, the city will seek to provide a timely response to the applicant, with all final decisions (approval, denial, or approval upon reasonable conditions) given to the applicant in writing.

Sec. 2-2.2. - Non-discrimination.

This provision shall apply to all licensing, permitting, and/or approval requests found in this Code. Though certain Code sections may contain objective criteria or standards relevant to the specific license, permit, or approval sought, this provision shall serve as an overlay and guide the decision-making process.

- (1) No license, permit, or approval shall be denied nor shall the applicant be given less favorable treatment as to time, place, or manner requirements or conditions on account of the race, color, creed, religion, gender, domestic relationship status, familial status, sexual orientation, national origin, political affiliation, or gender identity

Ordinance Amendment Preview

Sec. 1011. - Stormwater management for new development and redevelopment.

(b) *Permit procedures and requirements.*

(3) *Stormwater management plan requirements.*

d. *Predeveloped condition for redevelopment.* For all redevelopment applications, existing site conditions may be used for analysis purposes, unless downstream conditions warrant a more conservative approach as determined by the City Engineer. ~~all site conditions are to be taken back to the state of the original site to be equivalent to that of virgin land areas in that same vicinity.~~

ORDINANCE AMENDMENT PREVIEW

ARTICLE II. - WATER AND SEWERAGE AUTHORITY^[2]

Section 2. - Water and sewerage authority [created; membership; organization].

- (b) ~~The Peachtree City Water and Sewerage Authority shall be composed of five (5) members. Within sixty (60) days after the approval of this act it shall be the duty of the mayor and council of the City of Peachtree City to appoint the membership of the authority, one (1) of whom shall be appointed for a term of one (1) year, ending December 31, 1987; one (1) for a term of two (2) years, ending December 31, 1988; one (1) for a term of three (3) years, ending December 31, 1989; one (1) for a term of four (4) years, ending December 31, 1990; and one (1) for a term of five (5) years, ending December 31, 1991. All subsequent appointments shall be for a term of five (5) years and until their successors shall have been duly appointed and shall be made by the mayor and council of the City of Peachtree City. No person shall be appointed to membership on the authority unless he or she has the same qualifications as are required for a person to vote in Peachtree City, Georgia. Members are removed from office by the city council of Peachtree City only for misconduct or in the event they move their residence from Peachtree City.~~ Upon the effective date of this Act, the sole members of the authority shall be the members of the city council of the City of Peachtree City, who shall be ex officio members, and all members of the board of the authority in office upon the effective date of this act are hereby removed. The membership, or interest in such office, shall not be assignable or otherwise transferable. Membership on the authority shall not confer upon any member any benefits or any rights or interests in or to any of the assets or properties of the authority.
- (c) Immediately after the passage of this act and the appointment of the members, the members of the authority shall enter upon their duties and as soon as is practicable thereafter they shall hold an organizational meeting. The mayor of the City of Peachtree City shall be the chairman, and the members of the authority shall elect one (1) of their number as ~~chairman and another as~~ vice-chairman. The members shall also elect a secretary and a treasurer, or a secretary-treasurer, who need not be a member of the authority. An assistant secretary may also be elected at the discretion of the authority. ~~Three (3)~~ Four (4) members of the authority shall constitute a quorum. No vacancy on the authority shall impair the authority of the quorum to exercise all of the rights and powers of and perform all of the duties and obligations of the authority. The members of the authority shall not be entitled to any compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The authority may make rules and regulations and adopt bylaws for its own government. The authority shall have perpetual existence.

Section 4. - Powers.

The authority shall have the power:

- (4) To enter into an agreement with any other political subdivision or municipal corporation of the state with respect to acquiring a source of water supply, providing sewerage service, preparing engineering data, plans, and specifications for a water and sewerage system, extending water mains, apportioning the costs of constructing, extending, and maintaining a water or sewerage system, or both, providing for the testing and inspection of facilities constructed, providing for rates to be charged for water and sewerage services furnished to users of the said system, providing for the reading of meters and keeping of pertinent records, apportioning, or designating the responsibility for any functions normally maintained by a water and sewerage system at the most reasonable cost possible; provided, however, that any such agreement shall be approved by the city council of the City of Peachtree City.

Section 5. - Financing projects.

The authority or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this act shall have power and is authorized at one time, or from time to time, to borrow money for the purpose of paying all or any part of the cost, as herein defined, of any one (1) or more projects and to provide by resolution for the issuance of negotiable revenue bonds for that purpose. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall mature at such time or times not exceeding forty (40) years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the authority, and may be redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of the bonds. The interest rate or rates to be borne by any bonds and the time of payment of such interest shall be fixed and, with respect to any interest rate which floats in response to a variable, the method of calculation shall be fixed by the authority in the resolution providing for the issuance of the bonds. ~~Any bonds issued by the authority shall be exempt from all laws of the State of Georgia governing usury or prescribing or limiting interest rates to be borne by bonds or other obligations.~~

Section 8. - Same—Negotiability; exemption from taxation.

All revenue bonds issued under the provisions of this act shall have and are declared to have all the qualities and incidents of negotiable instruments under the laws of the State of Georgia pertaining to negotiable instruments. Such bonds are declared to be issued for an essential public and governmental purpose and said bonds, their transfer, and the income therefrom shall be exempt from all taxation ~~within the state~~ if so allowed by applicable state and federal laws.

Section 22A. – Same – Conflicts with Georgia Law.

To the extent that Sections 6 through 22 of this Act, pertaining to the issuance of bonds, conflict with the provisions of Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," the provisions of the Revenue Bond Law shall control with respect to the issuance of bonds.

Section 26. - Tax-exempt status of authority.

The properties of the authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the State of Georgia and not for purposes of private or corporate benefit and income, and such properties and the authority shall be exempt from all taxes and special assessments of any city, county, or the state or any political subdivision thereof as allowed by Georgia law.

Ordinance Amendment Preview

Municipal Court

Sec. 46-57. - Pre-trial intervention program.

- (a) A defendant may apply in writing before the commencement of trial for participation in the city's Pre-Trial Intervention Program (herein referred to as PTI Program). The prosecutor may consider the circumstances of the case (s) and/or the defendant's criminal history when deciding approval of the defendant's participation in the program. Acceptance in the program is based on but not limited to the following conditions:
- (1) The defendant has no prior record for the same or similar offense(s).
 - (2) The defendant is willing to tender a guilty plea to the offense(s), pay a fine, and comply with all conditions recommended by the prosecutor.
 - (3) The defendant has never been sentenced under the city PTI Program or similar program.
 - (4) The defendant pays an administrative fee of ~~\$50.00~~ up to \$1,000.00.
- (b) Failure of the defendant to comply with conditions will result in adjudication and transmittal of the original sentence. Compliance with all conditions, however, will result in dismissal of the offense(s).
- (c) PTI consideration will not be granted for any offense requiring mandatory suspension of a driver's license pursuant to state law, code enforcement violations, furnishing alcohol to a minor, alcohol permit violations, state traffic offenses, or offenses for which the city does not have jurisdiction.