

CITY OF PEACHTREE CORNERS
SPECIAL CALLED MEETING

July 01, 2012 @ 12:01am

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Sunday, July 1, 2012 at 12:01 am. This Special Called Meeting was held at Hilton Atlanta NE, 5993 Peachtree Industrial Blvd, Peachtree Corners, GA 30092. The following were in attendance:

Mike Mason, Mayor
Phil Sadd, Council Member -Post 1
James Lowe, Council Member- Post 2
Alex Wright, Council Member-Post 3
Jeanne Aulbach, Council Member-Post 4
Lorri Christopher, Council Member-Post 5
Weare Gratwick, Council Member-Post 6

Acting City Attorney, Bill Riley
Consultant, John Kachmar
Acting City Clerk, Joan Jones

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

OPENING COMMENTS: Mayor Mason thanked everyone for staying so late and for their continued support.

PUBLIC COMMENT: Mr. Alan Kaplan addressed the council and thanked them for their hard work and dedication and the citizens of Peachtree Corners will be the beneficiaries of all your hard work.

REPORTS and PRESENTATIONS: Acting Attorney Bill Riley again poled the Council and Mayor to acknowledge that any additional notices of the upcoming July 1, 2012 said meeting is waived. Each Council Member and Mayor confirmed their acknowledgement of the waiver of any further additional notices of the July 1, 2012 12:01am meeting.

EMERGENCY ORDINANCES: Attorney Riley explained the Emergency Ordinances on this agenda are the same as on the 11:00pm June 30th Agenda but in an abundance of caution, he is asking council to consider approving them again in as this is the first day of incorporation and until the city's ordinances may be put in place.

Emergency Ordinance: Continuation of Ordinance and Law: Council Member Sadd motioned, seconded by Council Member Wright to approve the Emergency Ordinance Providing for the Continuation of Ordinance and Law During the Transition Period Legislatively Established for the City of Peachtree Corners, Georgia and the Adoption of Ordinances by the City of Peachtree Corners. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, Mayor Mason called the motion and the motion carried unanimously. (***Ordinance 2012-07-22***)

Emergency Ordinance: Chapter 1-General Provisions: Council Member Christopher motioned, seconded by Council Member Gratwick to approve the Emergency Ordinance to Adopt and Approve Chapter 1, General Provisions and Providing for Inclusion and Identification in the Code of Ordinances for

the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 1: General Provisions. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-07-23**)

Emergency Ordinance: Chapter 2-Administration: Council Member Christopher motioned, seconded by Council Member Wright to approve the Emergency Ordinance to Adopt and Approve Chapter 2, Administration Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 2: Administration. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-07-24**)

Emergency Ordinance: Chapter 6-Alcohol: Council Member Gratwick motioned, seconded by Council Member Wright to approve the Emergency Ordinance to Adopt and Approve Chapter 6, Alcohol Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 6: Alcohol. During discussion, Council Member Christopher amended the motion, seconded by Council Member Gratwick to correct the scribe's error to reflect the correct chapter is #6. The amended motion carried unanimously. Mayor Mason called the main motion to approve Ordinance 2012-07-25 as Chapter 6 and the motion carried unanimously. (**Ordinance 2012-07-25**)

Emergency Ordinance: Chapter 14-Building Code: Council Member Aulbach motioned, seconded by Council Member Wright to approve the Emergency Ordinance to Adopt and Approve Chapter 14, Building Code Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 14: Building Code. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-07-26**)

Emergency Ordinance: Chapter 18-Business Code: Council Member Christopher motioned, seconded by Council Member Gratwick to approve the Emergency Ordinance to Adopt and Approve Chapter 18, Business Code Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 18: Business Code. Attorney Riley confirmed there have been no changes to this ordinance. here being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-07-27**)

Emergency Ordinance: Chapter 42-Environment: Council Member Wright motioned, seconded by Council Member Sadd to approve the Emergency Ordinance to Adopt and Approve Chapter 42, Environment Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 42: Environment. There being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-07-28**)

Emergency Ordinance: Chapter 46-Fire Prevention and Protection: Council Member Christopher motioned, seconded by Council Member Aulbach to approve the Emergency Ordinance to Adopt and Approve Chapter 46, Fire Prevention and Protection Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 46: Fire Prevention and Protection. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the motion carried unanimously. (**Ordinance 2012-07-29**)

Emergency Ordinance: Chapter 50-Floods: Council Member Aulbach motioned, seconded by Council Member Sadd to approve the Emergency Ordinance to Adopt and Approve Chapter 50, Floods, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 50: Floods. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-07-30)**

Emergency Ordinance: Chapter 58-Historical Preservation: Council Member Sadd motioned, seconded by Council Member Gratwick to approve the Emergency Ordinance to Adopt and Approve Chapter 58, Historical Preservation, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 58: Historical Preservation Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-07-31)**

Emergency Ordinance: Chapter 70-Manufactured Homes: Council Member Christopher motioned, seconded by Council Member Gratwick to approve the Emergency Ordinance to Adopt and Approve Chapter 70, Manufactured Homes, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 70: Manufactured Homes. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-07-32)**

Emergency Ordinance: Chapter 82-Pawn Shops: Council Member Gratwick motioned, seconded by Council Member Wright to approve the Emergency Ordinance to Adopt and Approve Chapter 82, Pawn Shops, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 82: Pawn Shops. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-07-33)**

Emergency Ordinance: Chapter 86-Planning and Development: Council Member Sadd motioned, seconded by Council Member Christopher to approve the Emergency Ordinance to Adopt and Approve Chapter 86, Planning and Development, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 86: Planning and Development. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the motion carried unanimously. **(Ordinance 2012-07-34)**

Emergency Ordinance: Chapter 108-Telecommunications: Council Member Gratwick motioned, seconded by Council Member Sadd to approve the Emergency Ordinance to Adopt and Approve Chapter 108, Telecommunications, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 108: Telecommunications. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the motion carried unanimously. **(Ordinance 2012-07-35)**

Emergency Ordinance: Chapter 114-Utilities: Council Member Aulbach motioned, seconded by Council Member Wright to approve the Emergency Ordinance to Adopt and Approve Chapter 114, Utilities, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 114: Utilities. Attorney Riley confirmed there have been

no changes to this ordinance. There being no discussion, the motion carried unanimously. (**Ordinance 2012-07-36**)

Emergency Ordinance: Chapter 118-Vegetation: Council Member Christopher motioned, seconded by Council Member Gratwick to approve the Emergency Ordinance to Adopt and Approve Chapter 118, Vegetation, Providing for Inclusion and Identification in the Code of Ordinances for the City of Peachtree Corners, Georgia to be Referenced in the Future as Chapter 118: Vegetation. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the motion carried unanimously. (**Ordinance 2012-07-37**)

Emergency Ordinance Regarding Certain Codes and Regulations: Council Member Aulbach motioned, seconded by Council Member Sadd to approve the Emergency Ordinance to Adopt and Approve Backflow Prevention Manual of Gwinnett County and the Pump Station and Force Main Design Manual of Gwinnett County Georgia. Attorney Riley confirmed there have been no changes to this ordinance. There being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-07-38**)

Emergency Ordinance Sexually Oriented Businesses: Attorney Scott Bergthold reviewed the structure of the ordinance and reminded the council the documents in the CD they received a few days ago include some of the legislative basis for this ordinance. He reviewed the outline of Sections 1, 2, and 3 which state purpose, findings and rationale, by definitions of adult establishments, along with licensing requirements (Section 3) and back ground information is obtained to make sure the employees are of age, to check for previous criminal activities associated with sexually oriented businesses and the hours of operation to limit the secondary effects along with inspection of the businesses. Mr. Bergthold reviewed how the interior configuration of the business can be affected by the six foot rule for dancers, (table dancing and private dancers) placement of booths for watching videos, the prohibition of physical contact and alcohol consumption and how the direct line of sight is considered when inspecting the buildings. In addition, he reviewed how Georgia law can affect the ordinance providing for the location of these types of establishments, that the ordinance requires 1000 foot of buffers between churches, homes and schools. Cities can consider this when licensing and may consider this without going thru the zoning procedures if zoning is not affected.

Attorney Bergthold reviewed important case law such as Renton v. Playtime Theaters, stating the secondary effects that cities can rely on/include evidence that is reasonably believed to be relevant to the problem that the city addresses. He explained the previously mentioned reports such as Land Use, Crime Impact, Judicial Opinions, etc. are still relevant for Peachtree Corners. Court cases such as the ones from Warner Robbins, Fulton County, and Daytona Beach cite the negative secondary effects on property values, litter/blight, personal and property crimes which give way to the possibility of violent crime. The procedures for licensing, background checks, administrative hearings and appeals in this ordinance are modeled after the City of Littleton v. Z.J. Gifts case and have been upheld by the courts. Attorney Bergthold highlighted various cases that cover various aspects of the sexually oriented businesses, how there are basic rationale of prevention of secondary effects to support these regulations. The finding of secondary effects is scientifically robust, as a wide array of data has been accumulated over the years, strip clubs from years ago have the same issues today. He reviewed the expert findings and cases that rejected the industry's experts on secondary effects and explained to the council that all of this material and handouts will be left with the city clerk for the records. He asked council in include the word "Emergency" in this ordinance they adopt tonight. Council Member Christopher asked how current businesses are affected.

Attorney Bergthold explained that with licensing matters, businesses are not grandfathered, they have to conform within a certain time frame. If it is a question on the zoning, they are grandfathered. Council Member Christopher motioned, seconded by Council Member Gratwick to approve this ordinance. Council Member Aulbach then motioned to amend the motion to include the word "Emergency" within the title. Council Member Sadd seconded the amendment. Mayor Mason called for discussion on the amendment, Council asked Attorney Bergthold to review how the current businesses may be affected, (further research is needed) and what new businesses will need to do to open such a business. The goal is to allow the constitutional amount/number of sites, while minimizing the effect on the community and satisfying all the requirements. Mayor called the amendment and the amendment carried unanimously. Mayor Mason then called the main motion and the motion carried unanimously to approve an Emergency Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses within the City of Peachtree Corners, GA. (**Ordinance 2012-07-39**)

NEW BUSINESS:

ZONING MORATORIUM RESOLUTION: Council Member Sadd motioned, seconded by Council Member Christopher to Adopt Resolution Imposing within the Territorial Limits of the City of Peachtree Corners, Georgia, a Moratorium of One Month (Unless Sooner Terminated) Upon the Application For, or Issuance Of, Land Disturbance Permits, Building Permits, Use Permits, Land Use Permits, Land Development Permits, Clearing or Grading Permits, Sign Permits, Administrative Permits, Business Licenses, Alcoholic Beverage Licenses and Any and All Other Permits or Licenses Dependent Upon, or Related to, Zoning of Land in Order to Allow for the Consideration and Adoption of Necessary Zoning Ordinances, and the Preparation of Necessary Forms and Adoption of Necessary Procedures for the Processing of Such Applications. During discussion, Attorney Riley explained the reasoning for the restrictions pertaining to a one month moratorium during this transition period of July 1, 2012 through November 30, 2013. The City has and intends to adopt certain Gwinnett County Codes and this resolution will give the city time to adopt its own certain ordinances pertaining to zoning and permits, this will take a reasonable amount of time to establish these procedures and this is the purpose of this resolution. There being no further discussion, Mayor Mason called the motion and the motion carried unanimously. (**Resolution 2012-07-10**)

BUSINESS MORATORIUM RESOLUTION: Attorney Riley explained there were no changes to this resolution and explained the purpose of the moratorium was to allow time during this transition period to consider any affects of businesses, to consider the proposed changes of the city ordinances and conduct hearings. The City has and intends to adopt certain Gwinnett County Codes and this resolution will give the City time to adopt its own certain ordinances. Council Member Christopher motioned seconded by Council Member Gratwick to Resolution Imposing within the Territorial Limits of the City of Peachtree Corners, Georgia, a Moratorium of One Month (Unless Sooner Terminated) Upon the Application For or Issuance Of, Licenses, permits And/Or Certificates for Businesses of the Type Described or Defined by Existing Gwinnett County, Georgia Code Chapter 18, Businesses, Article XI: Adult Entertainment Establishments, Article V: Massage Establishments and Spas and Article VIII: Escort And/Or Dating Services. During discussion there was noted a scribe's error, the correct chapter is Chapter 18. There being no further discussion, the motion carried unanimously. (**Resolution 2012-07-11**)

RATIFICATIONS OF COUNCIL ACTIONS: Attorney Riley reviewed this resolution and reasoning behind his request to pass this resolution ratifying the actions taken by Mayor and Council during their past meetings. Council Member Lowe motioned, seconded by Council Member Sadd to Approve A Resolution to Ratify the Actions Taken by the Mayor and Council of the City of Peachtree Corners, Georgia Prior to

July 1, 2012. There being no discussion, the motion carried unanimously. (**Resolution 2012-07-12**)

GWINNETT COUNTY IGA: Council Member Wright motioned, seconded by Council Member Sadd to authorize and adopt the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia. During discussion, Attorney Riley explained this IGA remains the same as previously presented to council. Mayor called the motion and the motion carried unanimously. (**ACTION ITEM**)

CONTINUATION OF SERVICES: Attorney Riley explained the council has previously considered this action item. Council Member Christopher motioned, seconded by Council Member Gratwick to approve the request for authorizing the agreement with Gwinnett County Georgia for Continuation of Services. The motion carried unanimously. (**ACTION ITEM**)

CITY CHARTER: Council Member Aulbach motioned, seconded by Council Member Sadd to Approve a Resolution Formally Adopting the City Charter of Peachtree Corners, Georgia. There being no need for discussion, the motion carried unanimously. (**Resolution 2012-07-13**)

FIRST READ of Ordinance 2012-07-40 to Provide for the Continuation of Ordinance and Law was held.

FIRST READ of Ordinance 2012-07-41 to Adopt and Approve Chapter 1: General Provisions for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-42 to Adopt and Approve Chapter 2: Administrations for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-43 to Adopt and Approve Chapter 4: Alcohol for the Code of Ordinances for the City of Peachtree Corners, Georgia was held. (THIS WILL BE CHANGED TO REFLECT THE CORRECT CHAPTER #6 AT THE SECOND READ AND PRIOR TO ADOPTION)

FIRST READ of Ordinance 2012-7-44 to Adopt and Approve Chapter 14: Building Code for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-45 to Adopt and Approve Chapter 18: Businesses for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-46 to Adopt and Approve Chapter 42: Environment Provisions for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-47 to Adopt and Approve Chapter 46: Fire Prevention and Protection for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-48 to Adopt and Approve Chapter 50: Floods for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-49 to Adopt and Approve Chapter 58: Historical Preservation for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-50 to Adopt and Approve Chapter 70: Manufactured Homes for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-51 to Adopt and Approve Chapter 82: Pawn Shops for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-52 to Adopt and Approve Chapter 86: Planning and Development for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-53 to Adopt and Approve Chapter 108: Telecommunications for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-54 to Adopt and Approve Chapter 114: Utilities for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-55 to Adopt and Approve Chapter 118: Vegetation for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-56 to Adopt and Approve and Ordinance Regarding the Standard Code and Technical Regulation Manuals for the Code of Ordinances for the City of Peachtree Corners, Georgia was held.

FIRST READ of Ordinance 2012-07-57 to Adopt and Approve an Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses Within the City of Peachtree Corners, Georgia was held.

ADVERTISEMENT OF ZONING AND SIGN ORDINANCES: Attorney Riley asked for a motion to approve the advertisement of this notices as required by the zoning procedure law. Council Member Christopher motioned, seconded by Council Member Gratwick to approve this action item approving the advertisement notice. The motion carried unanimously. (ACTION ITEM)

MAYOR'S COMMENTS: Mayor Mason thanked everyone for attending tonight.

EXECUTIVE SESSION: No Executive Session was held,.

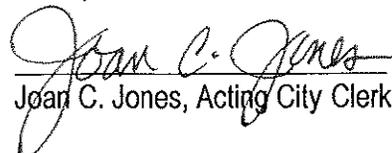
ADJOURNMENT: Council Member Sadd motioned, seconded by Council Member Aulbach to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,



Mike Mason, Mayor

Attest,



Joan C. Jones, Acting City Clerk