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## COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member  
James Lowe – Post 2, Council Member  
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member  
Lorri Christopher – Post 5, Council Member  
Weare Gratwick – Post 6, Council Member

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May 21, 2013

**COUNCIL AGENDA**

**7:00 PM**

PEACHTREE CORNERS CITY HALL  
147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

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**A) CALL TO ORDER**

**B) ROLL CALL**

**C) PLEDGE OF ALLEGIANCE**

**D) MAYOR'S OPENING REMARKS**

**E) CONSIDERATION OF MINUTES – May 7, 2013.**

**F) CONSIDERATION OF MEETING AGENDA**

**G) PUBLIC COMMENTS**

**H) CONSENT AGENDA - No Items**

**I) REPORTS AND PRESENTATIONS**

1. **D. Wheeler** Update on Community Development Planning Issues

**J) OLD BUSINESS**

1. **O2013-05-15** SECOND READ and consideration of an Ordinance to adopt and approve Chapter 106, taxes, 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 106 (taxes) as attached hereto and incorporated herein.

**K) NEW BUSINESS**

- 1. R2013-05-13** Consideration of a Resolution consenting to the expansion of the Gwinnett Village Community Improvement District.
- 2. ACTION ITEM** Consideration of Alcoholic Beverage License Application for Life Time Athletic Peachtree Corners located at 6350 Courtside Drive, Peachtree Corners, GA 30092. Applicant is requesting approval for a Retail Package Malt Beverage license.
- 3. ACTION ITEM** Consideration of Alcoholic Beverage License Application for Super Carniceria Jalisco #6 located at 7131 Peachtree Industrial Blvd. Ste. 103, Peachtree Corners, GA 30092. Applicant is requesting approval for a Retail Package Malt Beverage license.
- 4. ACTION ITEM** An amendment to the Intergovernmental Agreement for the provision of zoning review and permitting services between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia. (Regarding Hotel/Motel Tax IGA)
- 5. ACTION ITEM** Discussion/Acceptance-Local Maintenance & Improvement Grant (LMIG) Funds.

**L) EXECUTIVE SESSION**

**M) ADJOURNMENT**

**CITY OF PEACHTREE CORNERS**  
**COUNCIL MEETING**  
**May 7, 2013, @ 7:00PM**

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	James Lowe – Post 2 - Absent
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Attorney	Bill Riley
City Manager	Julian Jackson
City Clerk	Kym Chereck
Director, Com. Dev.	Diana Wheeler

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

**MINUTES:**

**MOTION TO APPROVE THE MINUTES FROM THE APRIL 16, 2013 COUNCIL MEETING.**

**By: Council Member Aulbach**

**Seconded by: Council Member Gratwick**

**Vote: (5-0) (Aulbach, Gratwick, Mason, Sadd, Christopher)**

**CONSIDERATION OF THE MEETING AGENDA:**

Resolution 2013-05-12 will be added to the end of the agenda.

**PUBLIC COMMENT:** There was no public comment.

**REPORTS and PRESENTATIONS:** Community Development Director, Diana Wheeler, provided her report on staff activities that occurred during the period of April 22, 2013 – May 3, 2013. These activities included, among other items, meetings with Pond and Company to develop Festival Booth activities and

materials, and preparation for the Downtown Development Authority meeting.

**OLD BUSINESS:** O2013-04-11 was deferred by the applicant.

**O2013-04-12**

SECOND READ and consideration of a request to remove the requirement for 24 ft. wide drive-thru lanes for a Chase Bank to be located in the 5200 Block of Peachtree Parkway (Corner of Peachtree Parkway and Peachtree Corners Circle); 6th District; Land Lot 301; Parcel 31.

Mr. Lee Tucker, Esquire, represented the applicant. The applicant stated that he is requesting the removal of the requirement for the 24 ft. wide drive-thru lane for Chase Bank. The applicant presented a site plan depicting the proposed change.

**MOTION TO APPROVE O2013-04-12.**

**By: Council Member Aulbach**

**Seconded by: Council Member Christopher**

**Vote: (5-0) (Aulbach, Christopher, Mason, Sadd, Gratwick)**

**O2013-04-13**

SECOND READ and consideration of an Ordinance of the city of Peachtree Corners, Georgia, adopting by reference, and amending certain portions of, the City of Peachtree Corners Code of Ordinances in order to establish a document entitled 'The City of Peachtree Corners Chapter 42, Article V, Soil Erosion, Sedimentation and Pollution Control.'

**MOTION TO APPROVE O2013-04-13.**

**By: Council Member Christopher**

**Seconded by: Council Member Gratwick**

**Vote: (5-0) (Christopher, Gratwick, Mason, Sadd, Aulbach)**

**O2103-04-14**

SECOND READ and consideration of an Ordinance to amend Chapter 6 ("alcoholic beverages") of the Code of the City of Peachtree Corners, Georgia, to amend and provide certain definitions; to authorize certain types of establishments to sell beer and/or wine; to authorize wine tastings and malt beverage tastings; to authorize use of growlers for certain package malt beverage licensees; and for other purposes.

**MOTION TO APPROVE O213-04-14.**

**By: Council Member Gratwick**

**Seconded by: Council Member Aulbach**

**Vote: (5-0) (Gratwick, Aulbach, Mason, Sadd, Christopher)**

**NEW BUSINESS:**

**O2013-05-15**

FIRST READ and consideration of an Ordinance to adopt and approve Chapter 106, taxes, 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 106 (taxes) as attached hereto and incorporated herein. (No action taken. Second read on May 21, 2013.)

**ACTION ITEM**

RFP for Audit Services: Selection of Audit Firm

**MOTION TO ACCEPT THE RFP OF MAULDIN JENKINS TO PROVIDE AUDIT SERVICES TO THE CITY OF PEACHTREE CORNERS.**

**By: Council Member Gratwick**

**Seconded by: Council Member Sadd**

**Vote: (5-0) (Gratwick, Sadd, Mason, Aulbach, Christopher)**

**R2013-05-12**

Resolution to Grant the Mayor, City Manager, and City Attorney the power to execute all contracts, agreements and other necessary documents to finalize and approve the land acquisition with the DDA of the City of Peachtree Corners and any other necessary parties.

**MOTION TO APPROVE R2013-05-12.**

**By: Council Member Christopher**

**Seconded by: Council Member Sadd**

**Vote: (5-0) (Christopher, Sadd, Mason, Aulbach, Gratwick)**

**EXECUTIVE SESSION:** There was no Executive Session.

**ADJOURNMENT:**

**MOTION TO ADJOURN AT 7:25 PM.**

**By: Council Member Gratwick**

**Seconded by: Council Member Wright**

**Vote: (6-0) (Gratwick, Wright, Mason, Sadd, Aulbach, Christopher)**

Approved,

Attest:

\_\_\_\_\_  
Mike Mason, Mayor

\_\_\_\_\_  
Kymberly Chereck, City Clerk



# Memo

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TO: Mayor and Council

CC: Julian Jackson, City Manager

FROM: Diana Wheeler, Community Development Director

SUBJECT: Staff Activity Report

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The following is a summary of Staff activity during the period of 5/6/13 – 5/17/13.

- A. Meetings with:
1. Public Hearing applicants
  2. Website consultant regarding updating website
  3. Property owners to discuss development plans
  4. Pond and Co. to develop Festival Booth activities and materials
- B. Held interactive meeting with Planning Commission and Zoning Board of Appeals regarding the Comprehensive Plan
- C. Prepared and distributed materials for DDA meeting
- D. Prepared draft amendments to Home Occupation regulations
- E. Finalized street map art work and forwarded materials to printer
- F. Modified banner permit application to reflect that the first 10 days are free. (A permit for 21 days remains \$50.)
- G. Prepared required materials for Property closing.
- H. Responded to phone calls and e-mails from residents, business people, and others

**Processed the following permit applications:**

1. 5/6/2013 POWER SUPERSITE,INC;6900 PEACHTREE IND BLVD STE D; CERTIFICATE OF OCCUPANCY
2. 5/6/2013 HIBACHI BUFFET; 7045 JIMMY CARTER BLVD; INTERIOR FINISH
3. 5/6/2013 THE SUNSHINE HOUSE; 5970 CROOKED CREEK RD; TEMPORARY SIGN
4. 5/6/2013 THE SUNSHINE HOUSE; 5470 SPALDING DRIVE; TEMPORARY SIGN
5. 5/6/2013 TOWER CONSTRUCTION; 3000 NORTHWOODS PKWY STE #115; INTERIOR FINISH
6. 5/6/2013 PLUMBING WORKS; 4790 BANKSIDE WAY; PLUMBING
7. 5/6/2013 MENARD ELECTRIC; 6345 SPALDING DRIVE; ELECTRICAL
8. 5/6/2013 LIZARD THICKET BOUTIQUE; 5135 PEACHTREE PKWY STE 905; PERMANENT SIGN
9. 5/6/2013 ENQUEST; 3550 ENGINEERING DRIVE STE 175; INTERIOR FINISH
10. 5/7/2013 WESLEYAN SCHOOL; 5405 SPALDING DRIVE; ADDITION
11. 5/7/2013 RGA SERVC.,INC5; 350 TRIANGLE PKWY; PLUMBING
12. 5/7/2013 WESLEYAN SCHOOL; 5409 SPALDING DRIVE; NEW FIELD

13. 5/7/2013 MILLS PLUMBING; 6138 MOUNT CREEK COURT; PLUMBING
14. 5/7/2013 MILLS PLUMBING; 6244 OVERLOOK ROAD; PLUMBING
15. 5/7/2013 MILLS PLUMBING; 3020 WYNTREE DRIVE; PLUMBING
16. 5/8/2013 HIGH TECH DENTAL LAB; 7050 JIMMY CARTER BLVD; CERTIFICATE OF OCCUPANCY
17. 5/8/2013 SYSTEMS ENGINEERING GRP; 3740 DAVINCI COURT STE 300; ELECTRICAL
18. 5/8/2013 DREAMLAND BAR.B.QUE; 5250 PEACHTREE PKWY ; NEW RESTAURANT
19. 5/8/2013 LA REGIA BAKERY; 3435 MEDLOCK BRIDGE RD STE 204; CERTIFICATE OF OCCUPANCY
20. 5/8/2013 R B HOMES DBA BELL CONST.; 4533 CAPE KURE CT; EXTERIOR REMODEL
21. 5/8/2013 MARATHON ELECTRIC; 4476 WOOD FOREST DRIVE; ELECTRICAL
22. 5/8/2013 MARATHON ELECTRIC; 5308 BROADWOOD AVE; ELECTRICAL/BASEMENT
23. 5/9/2013 OWEN&MARTHA KENWORTHY; 5505 FORT FISHER WAY; DECK
24. 5/9/2013 GRIFFIN CONSTRUCTION SER.,INC; 3550 ENGINEERING DRIVE; INTERIOR FINISH
25. 5/9/2013 SYLVAN LEARNING CENTER; 3941 HOLCOMB BRIDGE RD; CERTIFICATE OF OCCUPANCY
26. 5/10/2013 SIGN PLANET; 6135 PEACHTREE PKWY STE 601; PERMANENT SIGN
27. 5/10/2013 PEACHTREE SERVICE EXPERTS; 303 RESEARCH DRIVE STE #100; HVAC/REPLACEMENT
28. 5/10/2013 WIS INTERNATIONAL; 7094 PEACHTREE IND BLVD; CERTIFICATE OF OCCUPANCY
29. 5/10/2013 NEWELL DIRECT,LLC; 2800 AMWILER RD; SIGN
30. 5/10/2013 SOUTHERN PIK-A-PART OF GWINNETT; 2800 AMWILER RD; SIGN
31. 5/13/2013 TOP NOTCH TRAINING CNTR; 3145NORTHWOODSPKWY;CERTIFICATEOF OCCUPANCY
32. 5/13/2013 LENNY'S SUB SHOP; 3384 HOLCOMB BRIDGE RD STE A; CERTIFICATE OF OCCUPANCY
33. 5/13/2013 PINNACLE CUSTOM BUILDERS; 3850 HOLCOMB BRIDGE RD STE 105; INTERIOR FINISH
34. 5/14/2013 BLUEWARE COMPUTING LLC; 6760 JIMMY CARTER BLVD; CERTIFICATE OF OCCUPANCY
35. 5/15/2013 DECKSOUTH; 6242 INDIAN FIELD; DECK ADDITION
36. 5/16/2013 JIM CHEN MECHANICAL, LLC; 7045 JIMMY CARTER BLVD; DEMO
37. 5/16/2013 NCG CONSTRUCTION SERV.,LLC; 6621 BAY CIRCLE; INTERIOR FINISH
38. 5/16/2013 FACTORY DIRECT REMODELING; 3938 ALLENHURST DRIVE; SCREENED PORCH
39. 5/16/2013 THOMAS WINELAND; 6063 PEACHTREE PKWY; UPGRADE ROOF
40. 5/16/2013 TARA MEDIATE; 5270 PEACHTREE PKWY; TEMPORARY OUTDOOR ACTIVITY
41. 5/16/2013 ADMIRAL WISHES LLC; 5270 PEACHTREE PKWY; TEMPORARY BANNER
42. 5/16/2013 RS ANDREWS; 4071 PRIMOSE LN; HVAC

**AN ORDINANCE TO ADOPT AND APPROVE CHAPTER 106, TAXES, 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 106 (TAXES) AS ATTACHED HERETO AND INCORPORATED HEREIN**

**WHEREAS,** The City of Peachtree Corners Charter establishes under Article 1, Section 1.12 authorization for the city council to levy tax; and

**WHEREAS,** The Ordinance relating to Chapter 106, Taxes is hereby adopted and approved, and is attached hereto as if fully set forth herein; and

**WHEREAS,** This Ordinance shall be designated as Chapter 106 of the Code of Ordinances of the City of Peachtree Corners, Georgia; and

**WHEREAS,** This Ordinance shall become effective upon its adoption,

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PEACHTREE CORNERS HEREBY ORDAINS** that Chapter 106, Taxes is hereby adopted and approved as part of the Code of Ordinances for the City of Peachtree Corners, Georgia.

**SO ORDAINED AND EFFECTIVE** this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kym Chereck, City Clerk

\_\_\_\_\_  
William F. Riley, City Attorney

(Seal)

**Chapter 106 – TAXATION**

**ARTICLE I. – IN GENERAL**

**Secs. 106-01—106-20. - Reserved.**

**ARTICLE II. – AD VALOREM TAXES**

**Sec. 106-21. - Annually set.**

The ad valorem tax rate for each year shall be established annually by the City Council.

**Sec. 106-22. - Maximum rate.**

Except as otherwise allowed by law, for all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 1 mil, unless a higher millage rate is recommended by resolution of the City Council and subsequently approved by a majority of the eligible voters in the City of Peachtree Corners by referendum.

**Sec. 106-23. - Fines for delinquent returns.**

Any person failing to properly return his real property tax between January 1 and April 1 of each year shall be assessed a penalty of ten percent (10%) of the amount of taxes due the city. Said penalty shall be in addition to the amount of ad valorem taxes due the city and also in addition to any costs and interest permitted by law.

**Sec. 106-24. - Due date.**

- (a) The ad valorem taxes due the city shall be mailed by August 15 and shall become due and payable on August 15 through October 15. Any outstanding ad valorem taxes shall be delinquent after October 15.
- (b) Any installment of ad valorem taxes due to the city that is not paid on or before the delinquency date shall be in default, and shall bear interest and penalties, now or hereafter, as provided by law for taxes which are delinquent or in default, and executions shall be issued therefore, at such time the city has met the legal requirements of all state and local laws.
- (c) A penalty of ten percent (10%) shall be calculated on the amount delinquent on the day following the delinquency date and will be added if any portion of the tax bill remains unpaid 90 days after the delinquency date. In addition, interest shall accrue on such unpaid taxes at the rate of one percent (1%) per month on any amount remaining unpaid after the delinquency date. All interest shall be computed at the rate of one percent (1%) per month or for any fraction thereof.

**Sec. 106-25. - Collection of delinquent taxes.**

- (a) The duty to collect by levy and sale, or otherwise, for delinquent taxes is hereby imposed upon the City Manager or his designee, and the county sheriff as execution officer. All

levies of execution for delinquent taxes shall be in the name of the city. This duty may be contracted by the City Council to a third party.

- (b) It shall be the duty of the City Manager or his designee to comply with all provisions of state law for issuing, sale and transfer of tax executions and laws governing judicial sales and to:
  - (1) Keep a file of all newspapers in which an official advertisement appears;
  - (2) Keep an execution docket in which shall be entered a full description of all executions;
  - (3) Maintain a book of all sales;
  - (4) Maintain an index to the sales and executions.
- (c) The City Manager or designee shall sign all levies, notices, advertisements, and the like in his name for the city.
- (d) Execution issued in the name of the city for delinquent ad valorem taxes shall be directed and delivered to the county sheriff, who shall enter the execution upon the docket to be kept in his office, and he shall proceed to enforce the collection of the execution in the manner prescribed by law.
- (e) The City Manager or designee will issue all fieri facias (fi. fas.) for delinquent taxes and the county sheriff shall execute such fi. fas. under the same procedures provided by law governing execution of such process from the superior court, or by the use of any other available legal process and remedies.

**Sec. 106-26. - Assessment of property for ad valorem taxes.**

- (a) The county board of tax assessors is hereby designated to have the responsibility for assessment and valuation of property within the city limits. The City Council shall adopt the assessments and valuations made by the board of tax assessors of the county for all property located within the city limits, as may be established from year to year by the county board of tax assessors.
- (b) The City Council authorizes the county tax commissioner to make such adjustments in the collection of individual items of tax, and to make such refunds as may be proper and necessary, by adding to or deducting from the distribution due the city at the next period of accounting, along with a stated explanation of the correction.

**Secs. 106-27—106-50. - Reserved.**

**ARTICLE III. – HOTEL AND MOTEL TAX**

**Sec. 106-51. - Definitions.**

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

*Guest room* means a room, lodging, or accommodation occupied or intended for occupancy by one or more occupants but does not mean a meeting room which is intended, designed, or used for meetings.

*Hotel* means a structure or any portion of a structure, including, but not limited to, roominghouses or lodginghouses, inns, motels, motor hotels and courts, hotels, cabins, public or

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private clubs, and tourist camps which contain guest rooms which are regularly furnished for value to the public.

*Occupancy* means the use or possession or the right to the use or possession of any guest room in a hotel or the right to the use or possession of the furnishing of services or accommodations which accompany the use or possession of a guest room in a hotel.

*Occupant* means any person who, for a consideration, uses or possesses or has the right to use or possess a guest room in a hotel under any lease, concession, contract, permit, right of access, license, or other agreement.

*Operator* means any person operating a hotel in the City of Peachtree Corners, including the owner, proprietor, lessee, sublessee, licensee, or other entity operating the premises.

*Rent* means the consideration received for the occupancy of a guest room in a hotel whether received in money, property, services, or credits.

*Tax* means the tax imposed by this Article.

**Sec. 106-52. - Penalties.**

Any operator or person who violates any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be punished as provided in this Code.

**Sec. 106-53. - Delinquent penalty.**

Any operator who fails to pay the tax to the City on or before the due date shall pay a penalty of ten percent (10%) of the tax not paid plus interest on the unpaid tax at the rate of one percent (1%) per month.

**Sec. 106-54. - Enforcement and administration.**

- (a) The City Manager or designee shall administer and enforce the provisions of this Article.
- (b) The City Manager, in conjunction with the City Finance Director, shall have the power and authority to make reasonable rules and regulations not inconsistent with this Article or other laws or ordinances for the administration and enforcement of the provisions of this Article and the collection of the tax.
- (c) Every operator renting guest rooms in a hotel in the City shall keep such records, receipts, invoices, and other pertinent papers in such form as the City Manager or his designee may require.
- (d) The City Manager or designee may examine the books, papers, records, financial reports, and facilities of any operator renting guest rooms and any operator liable for the tax in order to verify the accuracy of and return made or to ascertain and determine the amount of tax which should be paid.
- (e) In administering this Article, the City Manager or designee may require the filing by operators of reports relating to the rental of guest rooms.

**Sec. 106-55. - Tax imposed; exceptions.**

- (a) There is imposed, assessed, and levied, and there shall be paid an excise tax of seven percent (7%) of the rent for every occupancy of a guest room in a hotel in the City, pursuant to O.C.G.A. § 48-13-51(a)(4.5). The tax shall be paid on any occupancy after June 1, 2013, within the City limits.
- (b) The tax imposed by this Article shall not apply to:
  - (1) Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty;
  - (2) The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge;
  - (3) Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a state or local government official or employee traveling on official business for purposes of the exemption provided by this subsection. For purpose of the exemption provided under this subsection, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; or
  - (4) Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy.
  - (5) The City Council declares that the proceeds received from the excise tax levied by this article are to be used for any lawful purposes allowed by state law, and may be distributed pursuant to an intergovernmental agreement.

**Sec. 106-56. - Liability for payment.**

Every person occupying a guest room in a hotel in the City is liable for the tax imposed by this Article. The liability for the tax is not extinguished until the tax has been paid to the City; however, the occupant is relieved from further liability upon the payment of the rent to the operator. Additionally, any operator who neglects, fails, or refuses to collect the tax from the occupant shall be liable for and shall pay the tax and any interest and penalties assessed.

**Sec. 106-57. - Operator registration; certificate of authority.**

- (a) Every person engaged in or about to engage in the operating as an operator of a hotel in the City shall register on a form provided by the City. The failure to register shall not relieve any person from the obligation of payment or collection of the tax.

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Chapter 106 - TAXATION

- (b) The registration shall set forth the name under which the person transacts business or intends to transact business, the location of his place or places or business, and other information which would facilitate the collection of the tax as the City may require. The registration shall be signed by the owner, if a natural person; in case of ownership by an association or partnership, by a member or a partner; in the case of ownership by a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration.
- (c) The City shall, after the registration, issue without charge a certificate of authority to each operator to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state the name and location of the business to which it is applicable and shall be prominently displayed therein so as to be seen and to come readily to the notice of all occupants and persons seeking occupancy.
- (d) The certificates shall be nonassignable and nontransferable and shall be returned immediately to the City Manager or his designee, upon the cessation of business at the location named or upon the sale or transfer of the business at that location.

**Sec. 106-58. - Filing return; payment; collector reimbursement.**

- (a) The tax shall become due and payable from the occupant at the time of occupancy of a guest room in a hotel in the City. All such taxes collected by the operator shall be due and payable to the City on or before the 20th day of every month next succeeding the month in which the occupancy occurs.
- (b) On or before the 20th day of every month, a return for the preceding month shall be filed with the City by every operator liable for the collection and payment of the tax imposed by this Article. The return shall be in such form as the City shall prescribe, and shall show the gross rent, the taxable rent, the amount of tax collected or otherwise due for such month, and such other information as the City may require.
- (c) The person required to file the return shall deliver the return and, at the same time, deliver the remittance of the net amount of the tax due to the City.
- (d) If the amount of the tax due is not delinquent at the time of payment to the City, the operator may deduct three percent (3%) of the amount of the tax due as reimbursement for collecting the tax.

**Sec. 106-59. - Disposition of revenue.**

All revenue collected by the City pursuant to this Article shall be expended in a manner consistent with state law codified at O.C.G.A. § 48-13-50 et seq.

**Secs. 106-61—106-78. - Reserved.**

**ARTICLE IV. - RENTAL MOTOR VEHICLE EXCISE TAX**

**Sec. 106-79. - Definitions.**

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

*Month or monthly period* means the calendar months of any year.

*Motor vehicle* means a motor vehicle designed to carry ten or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver regardless of whether such vehicle is licensed in the state.

*Rental charge* means the total value received by a rental motor vehicle concern for the rental or lease of 31 or fewer consecutive days of a rental motor vehicle, including the total cash and nonmonetary consideration for the rental or lease including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver, but excluding all charges for motor fuel taxes or sales taxes.

*Rental motor vehicle concern* means a person or legal entity which owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

*Tax, excise tax or taxes* means the tax imposed by this Article.

**Sec. 106-80. - Penalty for violation.**

In addition to the interest charges and delinquent penalties specified in this Article, any person violating any provision of this Article shall be deemed guilty of a violation and upon conviction thereof shall be punished as provided in this Code. Such persons shall be guilty of a separate offense for each and every day during which any violation of any provision of this Article is committed, continued, or permitted by that person and shall be punished accordingly.

**Sec. 106-81. - Authority and records.**

- (a) The City Manager or designee shall administer and enforce this Article for the levy and collection of the tax.
- (b) Every rental motor vehicle concern subject to this Article shall keep such records, receipts, invoices and other pertinent papers in such form as the City may require.

**Sec. 106-82. - Excise tax levied.**

- (a) There is hereby assessed and levied an excise tax upon each rental charge collected by any rental motor vehicle concern when such charge constitutes a taxable event for the purposes of the sales and use tax as provided for under O.C.G.A. § 48-8-1 et seq. on any motor

vehicle rental charge made in the city. The tax levied pursuant to this Article shall be in the amount of three percent (3%) of the rental charge as defined herein. The tax levied pursuant to this Article shall be imposed only at the time when and the place where a customer pays sales tax with respect to the rental charge. The customer who pays a rental charge that is subject to the tax levy as provided in this Article shall be liable for the tax. The tax shall be paid by the customer to the rental motor vehicle concern. The tax shall be a debt of the customer to the rental motor vehicle concern until it is paid and shall be recoverable at law in the same manner as authorized for the recovery for other debts.

- (b) The rental motor vehicle concern collecting the tax shall remit the tax to the City, and the tax thus remitted shall be a credit against the tax imposed by this Article on the rental motor vehicle concern. Every rental motor vehicle concern subject to the tax levied by this article shall be liable for the tax at the rate of three percent (3%) upon the rental charges actually collected or the amount of taxes collected from the customers, whichever is greater.
- (c) The City Council declares that the proceeds received from the excise tax levied by this Article are to be used for any lawful purposes allowed by state law, and may be distributed pursuant to an intergovernmental agreement.

**Sec. 106-83. - Exceptions.**

No tax shall be imposed pursuant to this Article on the rental charge associated with the rental or lease of a rental motor vehicle if either:

- (1) The customer picks up the rental motor vehicle outside the state and returns it within the state; or
- (2) The customer picks up the rental motor vehicle in the state and returns it outside the state.

**Sec. 106-84. - Amount of tax allowed to be retained for expenses.**

Each rental motor vehicle concern collecting the tax imposed by this Article shall be allowed to retain three percent (3%) of the tax due and collected and may retain that amount in the form of a deduction for expenses incurred in submitting, reporting and paying the amount of taxes due, if the amounts due are not delinquent at the time of payment.

**Sec. 106-85. - Statement required showing gross rental charges and taxes.**

- (a) On or before the 20th day of each month, the motor vehicle concern liable for the tax provided for herein shall transmit to the City a statement showing the gross rental charges and gross taxes collected through authority of this Article for each preceding calendar month. Along with said statement, the motor vehicle concern shall submit the net taxes due for each particular month.
- (b) Failure to remit taxes by the due date shall subject the rental motor vehicle concern to a penalty of five percent (5%) of the tax then due and, in addition to such penalty, interest

thereon the unpaid principal amount due, computed at the rate of one percent (1%) per month or fraction thereof from the due date of the taxes.

**Sec. 106-86. - Records.**

In order to aid in the administration and enforcement of the provisions of this Article and collect all the tax imposed, all rental motor vehicle concerns are hereby required to keep a record of rental charges for rental motor vehicles and taxes collected which are related thereto. Said records shall be open for inspection and copying by the City Manager, or his designee, during business hours.

**Sec. 106-87. - Deficiency determinations.**

- (a) If the City Manager or designee is not satisfied with the return or returns of the excise tax provided for herein, or the amount of the tax required to be paid to the City by any rental vehicle concern, he may compute and determine the amount required to be paid upon use of any information within his possession or that may come into his possession. Deficiency determinations may be made of the amount due for one or more monthly periods.
- (b) The amount of the determination made by the City shall bear interest at the rate of one percent (1%) per month or fraction thereof from the due date of the taxes found due by him.
- (c) The City Manager or his designee shall give to the rental vehicle concern a written notice of any such determination. The notice may be made personally or by mail and, if by mail service, shall be addressed to the operator of the rental motor vehicle concern at the address as the same appears in the records of the City Manager or designee as provided to him by each rental motor vehicle concern. Service shall be complete when delivered by certified mail with a receipt signed by an addressee or agent of addressee.
- (d) Except in cases of failure to make a return, every notice of deficiency determination shall be mailed within three years after the 20th day of the calendar month following the period in which the amount proposed to be determined or within three years after the return was filed, whichever period shall expire last.

**Sec. 106-88. - Audit authority.**

Duly authorized representatives of the City, upon exhibition of identification and during regular business hours, may examine and copy the books, papers, records, financial reports equipment and other facilities if necessary of any rental motor vehicle concern in order to verify the accuracy of any return made pursuant to this Article, or if no return is made by the rental motor vehicle concern, to ascertain or determine the amount of tax required to be paid.

**Sec. 106-89. - Withholding tax on sale of business.**

- (a) If any rental motor vehicle concern liable for any amount under this Article transfers or sells its business or quits the business, its successors or assigns shall withhold sufficient amounts from the purchase price to cover the amount required to be paid pursuant to this Article until

CITY OF PEACHTREE CORNERS - CODE OF ORDINANCES  
Chapter 106 - TAXATION

the former owner or operator of the rental motor vehicle concern produces a receipt from the City showing that the indebtedness has been paid or a certificate stating that no amount is due.

- (b) If the purchaser of a business or rental motor vehicle concern fails to withhold from the purchase price as required herein, such purchaser shall be personally liable for the payment of the amount of the outstanding tax required to be withheld by him to the extent of such purchase price.

**Secs. 106-90—106-100. - Reserved.**

**A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA  
CONSENTING TO EXPANSION OF THE GWINNETT VILLAGE COMMUNITY  
IMPROVEMENT DISTRICT**

**WHEREAS**, by Act of the Legislature, 2001 H.B. 654, as amended, the Georgia Legislature enacted the Gwinnett County Community Improvement Districts Act ; and

**WHEREAS**, pursuant to said Act, the Gwinnett Village Community Improvement District (hereinafter "CID") was created in 2006; and

**WHEREAS**, a majority of the owners of real property within a proposed expansion area, as attached hereto, which will be subject to taxes, fees, and assessments levied by the District Board, have consented in writing to their inclusion into the CID; and

**WHEREAS**, the owners of real property within the proposed expansion area of the CID which constitutes at least 75% by value of all real property within said expansion area which will be subject to taxes, fees and assessments levied by the District Board, according to the most recent approved Gwinnett County ad valorem tax digest, have consented in writing to their inclusion into the CID; and

**WHEREAS**, the City of Peachtree Corners has determined that the expansion of the CID would promote the provision of governmental services and facilities within said District; and

**WHEREAS**, the City of Peachtree Corners has determined that the expansion of the CID would be in the best interest of the citizens of Peachtree Corners.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the City of Peachtree Corners consents to the expansion of the boundaries of the Gwinnett Village Community Improvement District as shown on the map attached hereto.

**SO RESOLVED AND EFFECTIVE**, this the \_\_\_\_ day of \_\_\_\_\_, 2013.

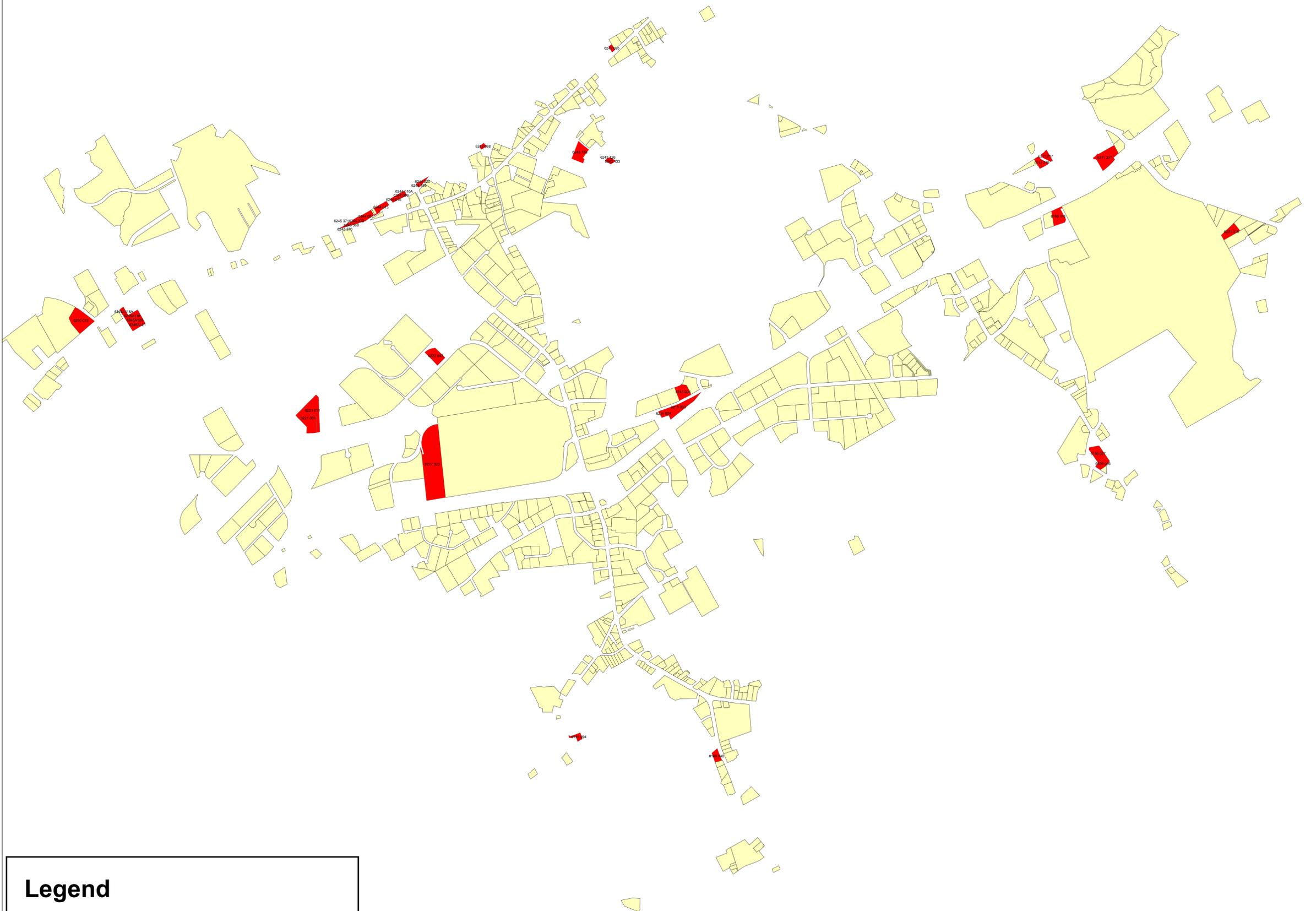
Approved:

\_\_\_\_\_  
Mike Mason, Mayor

Attest:

\_\_\_\_\_  
Kym Chereck, City Clerk  
Seal

# Gwinnett Village CID with 2013 Expansion



## Legend

-  2013 Additional Parcels
-  GV\_Parcel

## EXHIBIT B

Properties in Peachtree Corners

### GWINNETT VILLAGE CID EXPANSION PARCEL LIST

<b>PIN</b>	<b>OWNER OF RECORD (OOR)</b>	<b>Desc</b>
6169 040	Liberty Investments Partners LLC	JIMMY CARTER BLVD
6186 006	1235 Indian Trail LLC	SINGLETON RD
6186 057	Chamblee Tucker Center LTD	SINGLETON RD
6199 116	Maalouf and Ghali Enterprises, Inc	TR 2 WILLOWTRAIL PARKWAY
6201 016	Souter Holdings LLC	BEAVER RUIN RD
6211 217	St Paul Fire & Marine Insurance	BEAVER RUIN BUS CENTE
6211 219	St Paul Fire & Marine Insurance	BEAVER RUIN BUS CENTE
6211 227	St Paul Fire & Marine Insurance	BEAVER RIDGE CIRCLE
6215 003	Nelkin Goshen Springs LLC	EXPRESSWAY & GOSHEN SP
6215 004	Bam! Investments	GOSHEN RD
6215 206	Meritex Goshen Springs LLC	L3A BC BROOK HOLLOW
6217 023	Bronco Enterprises LLC	CRESCENT DR
6221 051	Rollins Leasing Corp	NORCROSS-SOUTHERN IND
6221 061	Rollins Leasing Corp	NORCROSS-SOUTHERN IND
6223 043	Xtra Lease Inc	OLD ROCK BRIDGE RD
6242 095	Waffle House Inc	L VILLE HWY 23
6243 088	CDG Investments LLC	MAGNOLIA STATION
6243 126	Flores Serwin E	CEMETERY ST
6243 133	Lollis Nora G	CEMETERY ST
6243 195	TLH Work Properties LLC	UN 201 FAIRMONT WOODS PH #2
6243 196	TLH Work Properties LLC	UN 202 FAIRMONT WOODS PH #2
6243 198	BFA Enterprises	UN 204 FAIRMONT WOODS PH #2
6244 013	Norcross Supply Co	S PEACHTREE
6244 016	Cowan Sam	S PEACHTREE ST
6244 020	Palmetto LLC	S PEACHTREE ST
6244 058	A&J Inv Co	PTREE ST & HWY 23
6244 156	Palmetto LLC	S PTREE ST
6245 370	Walker Horace L	3 7 PT 8 BL A BORING
6245 371	Adams Donald Aaron	12 BA BORING SD
6245 372	Khalili Mahin S	US HWY 23
6245 388	Verner William George	U S HWY 23
6246A118A	Howard J Edwin	HWY 23
6246A119	Howard J Edwin	PLEASANTDALE RD
6246A120	Howard J Edwin	PLEASANTDALE RD
6246A121	Howard J Edwin	PLEASANTDALE RD
6250 072	Newell Recycling of Gwinnett LLC	AMWILER RD



Mike Mason, Mayor

Phil Sadd - Post 1, Council Member  
Alex Wright - Post 3, Council Member  
Lorri Christopher - Post 5, Council Member

James Lowe - Post 2, Council Member  
Jeanne Aulbach - Post 4, Council Member  
Weare Gratwick - Post 6, Council Member

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To: Mayor and City Council  
Cc: Julian Jackson, City Manager  
From: Diana Wheeler, Community Development Director  
Date: April 18, 2013 City Council Meeting

Agenda Item: APH 2013-04-002- Approval of Alcoholic Beverage License Application for Life Time Athletic Peachtree Corners at 6350 Courtside Dr Peachtree Corners, GA 30092. Applicant is Layne McCleary for Consumption on Premise Wine and Malt Beverage License.

**Staff Recommendation:**

Approve the application for Consumption on Premise Wine and Malt Beverage License for for Life Time Athletic Peachtree Corners at 6350 Courtside Dr Peachtree Corners, GA 30092.

**Background:**

Applicant submitted a completed application on February 25, 2013. Required advertising for the application will be accomplished in the legal organ of the City on May10<sup>th</sup> and May 17<sup>th</sup>, applicant has passed the background investigation and meets all requirements.

**Discussion:**

New Business  
Staff has reviewed this application and recommends approval.

**Alternatives:**

None



Mike Mason, Mayor

Phil Sadd - Post 1, Council Member  
Alex Wright - Post 3, Council Member  
Lorri Christopher - Post 5, Council Member

James Lowe - Post 2, Council Member  
Jeanne Aulbach - Post 4, Council Member  
Weare Gratwick - Post 6, Council Member

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To: Mayor and City Council  
Cc: Julian Jackson, City Manager  
From: Diana Wheeler, Community Development Director  
Date: April 18, 2013 City Council Meeting

Agenda Item: APH 2013-04-003- Approval of Alcoholic Beverage License Application for Super Carniceria Jalisco #6 at 7131 Peachtree Ind Blvd Ste 103 Peachtree Corners, GA 30092. Applicant is Efren Pelayo for Retail/Package Malt Beverage License.

**Staff Recommendation:**

Approve the application for Retail/Package Malt Beverage License for Super Carniceria Jalisco #6 at 7131 Peachtree Ind Blvd Ste 103 Peachtree Corners, GA 30092.

**Background:**

Applicant submitted a completed application on March 19, 2013. Required advertising for the application will be accomplished in the legal organ of the City on May 10<sup>th</sup> and May 17<sup>th</sup>, applicant has passed the background investigation and meets all requirements.

**Discussion:**

New Business  
Staff has reviewed this application and recommends approval.

**Alternatives:**

None

**STATE OF GEORGIA  
COUNTY OF GWINNETT**

**AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT  
FOR THE PROVISION OF ZONING REVIEW AND PERMITTING SERVICES**

**Between  
GWINNETT COUNTY, GEORGIA and  
THE CITY OF PEACHTREE CORNERS, GEORGIA**

This Amendment to the Intergovernmental Agreement between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia for the Provision of Zoning Review and Permitting Services is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**WITNESSETH:**

WHEREAS, the City of Peachtree Corners began operation as a city on July 1, 2012; and

WHEREAS, the Charter for the City of Peachtree Corners provides that the City shall undergo a transition period through December 31, 2013 during which the City shall prepare to perform certain governmental functions and services; and

WHEREAS, on June 26, 2012 and July 1, 2012, the County and the City respectively approved an Intergovernmental Agreement whereby Gwinnett County will provide zoning review and permitting services within the City of Peachtree Corners, and the County will retain all fees associated with such zoning review and permitting services; and

WHEREAS, on July 24, 2012, the County and the City entered into an Amendment to the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services whereby the County agreed to provide all licensing and permitting services for the City of Peachtree Corners during the transition period described in the City's Charter; and

WHEREAS, pursuant to the July 24, 2012 Amendment, the County and the City agreed that the City would use its hotel/motel taxes generated by lodging establishments within the

City and rental car taxes collected from establishments within the City to satisfy the County's bonded indebtedness for the Civic Center, Arena, and Stadium; and

WHEREAS, the County and the City also agreed to amend the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services by inserting language to permit hotel/motel and rental car taxes collected from facilities within the City for use in satisfying the County's previously incurred bonded indebtedness on the Civic Center, Arena, and Stadium; and

WHEREAS, the July 24, 2012 Amendment to the Intergovernmental Agreement for the Provision of Zoning Review and Permitting Services provides that representatives from the County and the City will meet to discuss the ability to use such taxes to satisfy such bonded indebtedness; and

WHEREAS, such representatives have met in accordance with the July 24, 2012 Amendment; and

WHEREAS, pursuant to the July 24, 2012 Amendment to the Intergovernmental Agreement, the County and the City further agreed to a new Amendment to the Intergovernmental Agreement to apply hotel/motel and rental car taxes collected from facilities within the City for the satisfaction of the County's bonded indebtedness for the Civic Center, Arena, and Stadium shall be approved by the County and City no later than December 31, 2012; and

WHEREAS, by subsequent amendments on December 11, 2012 and April 23, 2013, the parties have extended the time within which the County and the City shall amend the Intergovernmental Agreement to allow hotel/motel and rental car taxes collected from facilities within the City for the satisfaction of the County's bonded indebtedness for the Civic Center, Arena, and Stadium through June 28, 2013; and

WHEREAS, the Gwinnett County Board of Commissioners and the City Council of the City of Peachtree Corners have taken action at public meetings to approve the terms of this Amendment;

NOW THEREFORE, in consideration of the following mutual obligations, the County and City agree as follows:

1. All provisions of the Intergovernmental Agreement for Zoning Review and Permitting Services between Gwinnett County, Georgia and the City of Peachtree Corners, Georgia entered into on July 1, 2012 and amended on July 24, 2012, December 11, 2012 and April 23, 2013 shall continue in full force and effect and are incorporated by reference in this Amendment.
2. The City and County agree that the City has the power and authority to levy an occupancy tax on charges to the public for rooms, lodging, and accommodations, and on charges to the public for the rental or lease of rental motor vehicles under state law, pursuant to Official Code of Georgia Annotated Section 48-13-51;
3. The City and County agree that the City has the power and authority to levy an occupancy tax on charges to the public for rooms, lodging, and accommodations, and on charges to the public for the rental or lease of rental motor vehicles under the Code of the City of Peachtree Corners, Chapter 106.
4. The City agrees to allow the County to impose the occupancy tax, pursuant to Official Code of Georgia Annotated Section 48-13-51 and the Code of the City of Peachtree Corners Chapter 106., and to allow the County to impose an occupancy tax on charges to the public for rooms, lodgings, and accommodations under state law and under the Code of the City of Peachtree

Corners, and on charges to the public for the rental or lease of rental motor vehicles under state law and under the Code of the City of Peachtree Corners, until the following debts are paid in full:

- Development Authority of Gwinnett County Georgia, Revenue Bonds (Gwinnett Center Parking Deck Project) Series 2007 Gwinnett Center parking deck revenue bonds, issued on July 31, 2007, 20-year issue;
- Development Authority of Gwinnett County (Georgia) Revenue Refunding Bonds (Civic and Cultural Center Expansion Project) Series 2010 Refunding Civic and Cultural Center expansion revenue bonds, issued on November 9, 2010, 20-year issue; and
- Development Authority of Gwinnett County (Georgia) Taxable Revenue Bonds (Gwinnett Stadium Project) Series 2008 Gwinnett Stadium revenue bonds, issued February 28, 2008, 30-year issue.

5. The City and the County agree that the County's collection of an occupancy tax on charges to the public for rooms, lodgings, and accommodations under state law and under the Code of the City of Peachtree Corners, and on charges to the public for the rental or lease of rental motor vehicles under state law and under the Code of the City of Peachtree Corners is to satisfy the aforementioned bonded debt amounts in their current principal amounts as of the signing of this Intergovernmental Agreement.
6. The County agrees that it shall not extend said bonds beyond their current terms, increase the total indebtedness, or otherwise pledge such tax revenue from properties located in the City of Peachtree Corners without the express written consent of the City of Peachtree Corners.

7. Nothing within this Intergovernmental Agreement is intended to limit the County or the Gwinnett County Development Authority from refunding existing debt in order to capitalize on market conditions or reduce debt service payments. The County agrees that any capitalization or reduction in debt service payments by the County or the Gwinnett County Development Authority shall not increase the total amount owed or total principal of the indebtedness of any of the bonds for the aforementioned debts as they currently exist as of the signing of this Intergovernmental Agreement.
8. In paying the notes on the aforementioned debts, the County shall first apply all other resources and/or accounts towards the payments, including but not limited to the County's tourism fund and funds from the Gwinnett Convention and Visitors Bureau, and then the County may apply any taxes collected under this Intergovernmental Agreement. If the County can meet its payment obligations on the notes of the aforementioned debts prior to the application of any or all of taxes collected by the County under this Intergovernmental Agreement, then any amounts collected by the County under this Intergovernmental Agreement not applied to satisfy payment on the aforementioned debts shall be remitted to the City.
9. The City and the County agree to meet in 5 years, in the final quarter of 2018, to discuss the continuance of and possible changes to this Intergovernmental Agreement.
10. The County shall provide to the City quarterly financing statements showing the total amounts outstanding and the total amounts, including the sources, of each payment made during the previous six (6) months on the aforementioned debts.

**(SIGNATURES ON NEXT PAGE)**

**IN WITNESS WHEREOF, the County and City have executed this Amendment through their duly authorized officers on the day and year first above written.**

**BOARD OF COMMISSIONERS  
GWINNETT COUNTY, GEORGIA**

BY: \_\_\_\_\_  
**CHARLOTTE J. NASH**, Chairman

**ATTEST:**

\_\_\_\_\_  
**Diane Kemp, County Clerk**

(SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VAN STEPHENS**  
Acting County Attorney

**CITY OF PEACHTREE CORNERS,  
GEORGIA**

BY: \_\_\_\_\_  
**MIKE MASON**, Mayor

**ATTEST:**

\_\_\_\_\_  
**KYM CHERECK, City Clerk**  
(SEAL)

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**BILL RILEY**  
City Attorney

**GEORGIA DEPARTMENT OF TRANSPORTATION  
LOCAL MAINTENANCE & IMPROVEMENT GRANT (LMIG)  
APPLICATION FOR FISCAL YEAR 2013  
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

All Applications must be submitted by the Local Governing Official to the Georgia Department of Transportation, Office of Local Grants, 600 West Peachtree Street NW, Atlanta, Georgia 30308.

**LOCAL GOVERNMENT INFORMATION**

Date of Application: \_\_\_\_\_

Name of local government: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person and Title: \_\_\_\_\_

Contact Person's Phone Number: \_\_\_\_\_

Contact Person's Fax Number: \_\_\_\_\_

Contact Person's Email: \_\_\_\_\_

Is the Priority List attached?    Yes    No

**LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION**

I, \_\_\_\_\_ (Name), the \_\_\_\_\_ (Title), on behalf of \_\_\_\_\_ (local government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-1 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

**GEORGIA DEPARTMENT OF TRANSPORTATION  
LOCAL MAINTENANCE & IMPROVEMENT GRANT (LMIG)  
APPLICATION FOR FISCAL YEAR 2013**

**LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION**

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made.

Local Government:

\_\_\_\_\_  
E-Verify Number

\_\_\_\_\_  
(Signature)

Sworn to and subscribed before me,

\_\_\_\_\_  
(Print)

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Mayor / Commission Chairperson

In the presence of:

\_\_\_\_\_  
(Date)

NOTARY PUBLIC

SEAL:

\_\_\_\_\_  
My Commission Expires:

**FOR GDOT USE ONLY**

The local government's Application is hereby granted and the amount allocated to the local government is \_\_\_\_\_ . Such allocation must be spent on any or all of those projects listed in the Project List.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Terry L Gable  
Local Grants Administrator



Gwinnett County  
Proposed Sidewalk Projects

Crooked Creek Road

- from Spalding Drive to Jay Bird Alley, west side; 2,300 ft.
- from Jay Bird Alley to Brookwood Road, east side; 1,615 ft.
- from (north of) Spalding Chase Drive to (north of) The Corners Parkway, westside; 453 ft.
- from Brookwood Road to Holcomb Bridge Road, west side; 2,100 ft.

Peachtree Industrial Boulevard

- from Winters Chapel Road to Peachtree Corners Circle, northside; 8,000 ft.

Holcomb Bridge Road

- from Peachtree Industrial Boulevard to Jimmy Carter Boulevard, west side; 1,400 ft.
- from Peachtree Corners Circle to Smithpointe Drive, east side; 800 ft.

Jones Mill Spur

- from Peachtree Corners Circle to Jones Mill Road; 457 ft.

Spalding Drive

- from Winters Chapel Road to River Exchange Drive, south side; 1,440 ft.

Optional information:

Using our sidewalk scoring method which takes into account connectivity, proximity to pedestrian-oriented land uses, such as schools, parks and libraries, and project length, which is a proxy benefit/cost measure, we would prioritize these as:

- #1 - Crooked Creek Road, from (north of) Spalding Chase Drive to (north of) The Corners Pkwy, west side
- #2 - Crooked Creek Road, from Jay Bird Alley to Brookwood Road, east side
- #3 - Crooked Creek Road, from Brookwood Road to Holcomb Bridge Road, west side
- #4 - Crooked Creek Road, from Spalding Drive to Jay Bird Alley, west side
- #5 - Holcomb Bridge Road, from Peachtree Industrial Boulevard to Jimmy Carter Boulevard, west side
- #6 - Holcomb Bridge Road, from Peachtree Corners Circle to Smithpointe Drive, east side
- #7 - Peachtree Industrial Blvd, from Winters Chapel Road to Peachtree Corners Circle, northside
- #8 - Jones Mill Spur, from Peachtree Corners Circle to Jones Mill Road
- #9 - Spalding Drive, from Winters Chapel Road to River Exchange Drive, south side;