

CITY OF PEACHTREE CORNERS
SPECIAL CALLED MEETING
June 30, 2012 @ 11:00pm

The Mayor and Council of the City of Peachtree Corners held a Special Called Meeting on Saturday, June 30, 2012 at 11:00pm. 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 REMARKS: Mayor Mason welcomed everyone to tonight's momentous meeting.

PUBLIC COMMENT: Mr. Tom Herring addressed the council and voiced his thanks to the council for doing this thankless job and for their service.

REPORTS and PRESENTATIONS: Acting Attorney Bill Riley asked each Council Member 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. In addition, Mr. Riley introduced members of his legal team in attendance tonight as they assisted with the review and analysis of tonight's pending consideration of the Peachtree Corners Code of Ordinance Chapters. (Attorney Lenny Felgin and Scott Robichaux, Interim Daniel Hall and Scott Bergthold who is an expert lawyer who is with us tonight and his Executive Assistant Donna Geisenger)

EMERGENCY ORDINANCES: Mr. Riley reviewed each of the following ordinance as they were read into the record, explaining the need for acceptance, if it was applicable to the Intergovernmental Agreement with Gwinnett County or how it meets/complies with state statute and any other applicable requirements. He explained for the majority of these ordinance, they are duplicates of the Gwinnett County Code of Ordinance, with the appropriate reference changes from County to City, Commissioners to Council, etc.

Emergency Ordinance: Continuation of Law: Council Member Lowe motioned, seconded by Council Member Christopher 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 explained this ordinance adopts the current Gwinnett Code of Ordinances until we adopt our own. There being no discussion, Mayor

Mason called the motion and the motion carried unanimously. (***Ordinance 2012-06-04***)

Emergency Ordinance: Chapter 1-General Provisions: Attorney Riley explained this chapter provides an outline on how to read the codes, supplement the codes, definition of ordinances and general violations. Council Member Aulbach 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. (***Ordinance 2012-06-05***)

Emergency Ordinance: Chapter 2-Administration: Attorney Riley explained this chapter lines up with the charter and outlines how the city will run and work, provides for the formation of boards and commissions purchasing and includes a code of ethics the council. He explained the council can made amendments to these chapters in the future. 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. (***Ordinance 2012-06-06***)

Emergency Ordinance: Chapter 6-Alcohol: Attorney Riley explained this chapter is the alcoholic beverage code, pertains to sale, licensing and regulations of alcoholic beverages, and follows the Gwinnett County code along with State Law. Council Member Christopher motioned, seconded by Council Member Aulbach 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 of this ordinance, a scribner's error was noted on the Chapter Number, listed as Chapter 4, and should read as Chapter 6. Council Member Lowe motioned to amend the motion, seconded by Council Member Gratwick to clarify this ordinance as Chapter 6. The amended motion carried unanimously. There being no discussion, the Mayor called the main motion and the motion carried unanimously. (***Ordinance 2012-06-07***)

Emergency Ordinance: Chapter 14-Building Code: Attorney Riley explained this chapter is the same as Gwinnett County's Planning and zoning Code. Council Member Gratwick motioned, seconded by Council Member Sadd 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. (***Ordinance 2012-06-08***)

Emergency Ordinance: Chapter 18-Business Code: Attorney Riley explained this chapter is the same as Gwinnett County's code, that it general provisions and regulates the businesses, industries, includes the occupational tax, escorts, etc. Council Member Aulbach motioned, seconded by Council Member Christopher 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. (***Ordinance 2012-06-09***)

Emergency Ordinance: Chapter 42-Environment: Attorney Riley explained this chapter is the same as

Gwinnett County's code and is also required by the Intergovernmental Agreement with Gwinnett County. Council Member Sadd motioned, seconded by Council Member Gratwick 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 2012-06-10)**

Emergency Ordinance: Chapter 46-Fire Prevention and Protection: Attorney Riley explained this chapter is the same as Gwinnett County's code, it adopts the Fire Safety Laws and construction codes which is be part of the Community Development Department. Council Member Christopher motioned, seconded by Council Member Gratwick 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-11)**

Emergency Ordinance: Chapter 50-Floods: Attorney Riley explained this chapter is the same as Gwinnett County's ordinance amended for the city code and goes with the Intergovernmental Agreement for planning and zoning. Council Member Aulbach motioned, seconded by Council Member Wright 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-12)**

Emergency Ordinance: Chapter 58-Historical Preservation: Attorney Riley explained this chapter is the same as Gwinnett County's ordinance amended for the city code and required by the Intergovernmental Agreement. 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. During discussion Council Member Aulbach asked about the city having their own board, there was clarification that once the city's Community Development and Planning and Zoning are up and running this would be the time to address this concern, but at this time we cannot substitute our own board. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-13)**

Emergency Ordinance: Chapter 70-Manufactured Homes: Attorney Riley explained this chapter is the same as Gwinnett County's ordinance amended for the city code and goes with the Intergovernmental Agreement. Council Member Wright motioned, seconded by Council Member Christopher 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-14)**

Emergency Ordinance: Chapter 82-Pawn Shops: Attorney Riley explained this chapter is our ordinance, he further explained there are certain state guidelines and regulations that have to be followed, this code gives authority to the Gwinnett County Police to act on behalf of the city in our own pawn shop ordinance.

Council Member Aulbach motioned, seconded by Council Member Gratwick 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-15)**

Emergency Ordinance: Chapter 86-Planning and Development: Attorney Riley explained this chapter is the same as Gwinnett County's ordinance amended for the city code and goes with the Intergovernmental Agreement. There was a brief discussion on the city having their own planning commission, the recommendation to have staggered terms and the time frame for having this commission in place. 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-16)**

Emergency Ordinance: Chapter 108-Telecommunications: Attorney Riley explained this chapter is the same as Gwinnett County's ordinance amended for the city code and goes with the Intergovernmental Agreement and Land Use IGA. Council Member Christopher motioned, seconded by Council Member Gratwick 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-17)**

Emergency Ordinance: Chapter 114-Utilities: Attorney Riley explained this chapter is the same as Gwinnett County's ordinance amended for the city code and goes with the Intergovernmental Agreement. Council Member Sadd motioned, seconded by Council Member Gratwick 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-18)**

Emergency Ordinance: Chapter 118-Vegetation: Attorney Riley explained this chapter is adopted Gwinnett County Codes as our own, it includes information on buffers, trees, brush etc. The city is has to mirror what Gwinnett County has until we have are our own Planning and Development Plan in place. Council Member Lowe motioned, seconded by Council Member Sadd 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. **(Ordinance 2012-06-19)**

Emergency Ordinance Regarding Certain Codes and Regulations: Attorney Riley explained this chapter is not in the code book as it is for the purposes of adopting by reference the Backflow Prevention Manual and the Pump Station and Force Main Design Manuel, both of Gwinnett County for the purposes of the IGA. These manuals are comprised of standard codes and technical regulations and the manuals will be kept on file at the City Clerk's office. 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. There being no discussion, the Mayor called the motion and the motion carried unanimously. (**Ordinance 2012-06-20**)

Emergency Ordinance Sexually Oriented Businesses: Attorney Bill Riley introduced Attorney Scott Bergthold who presented on evidence previously delivered several days ago (which included voluminous materials and documents and will be retained as part of the official record) to the council concerning the negative secondary effects of sexually oriented businesses. He explained the CD the council received outlines in more detail the court cases and the negative secondary effects. In addition, he reviewed several court cases such as Renton v. Playtime Theaters and City of Littleton v. Z.J. Gifts. He summarized evidence in the records such as Land Use Reports, Criminal Impact Reports and Expert Reports, along with Judicial Opinions on the types of secondary effects that the Mayor and Council can consider when reviewing their ordinance. Attorney Bergthold cited some negative secondary effects such as the impact on surrounding property, personal and property crimes, sexual crimes, illicit drug use and trafficking and litter along with an increase of alcohol, which can all impact the surrounding area. During his presentation, Attorney Bergthold informed council that the City of Peachtree Corners can take into consideration the many court cases, including the Manatee County Florida case recording how the secondary effects sexually oriented businesses can impact their community, e.g. the documentation of prostitution, underage drinking and how some crimes are handled through Vice Squads like referenced in the Houston case and shows how adult entertainment crimes are not usually handled by 911 calls. He referenced the Fulton County case which was upheld by the 11th Circuit Court of Appeals which is included as part of the record the council is considering tonight. In conclusion, he asked council to adopt the title of this ordinance as an Emergency Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses within the City of Peachtree Corners. Council Member Christopher motioned, seconded by Council Member Gratwick to adopt this Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses with the City of Peachtree Corners, Georgia. During discussion, Council Member Aulbach motioned to amend the motion to include the word "Emergency" before the word "Ordinance". Council Member Sadd seconded the amended motion. The amended motion carried unanimously. There being no further discussion, the Mayor called the main motion, Attorney Riley noted for the record the proposed ordinance is an emergency ordinance establishing licensing requirements and regulations for sexually oriented businesses, which is the basis for the original motion. The motion carried unanimously to approve the Emergency Ordinance Establishing Licensing Requirements and Regulations for Sexually Oriented Businesses for the City of Peachtree Corners, Georgia. (**Ordinance 2012-06-21**)

NEW BUSINESS: Attorney Riley explained the next two resolutions contain information and restrictions pertaining to a one month moratorium during this transition period of July 1, 2012 through November 30, 2013 for purposes of planning and development, zoning ordinance, business licensing, permitting and to prepare applications, however the plan is to lift it soon if possible. The City has and intends to adopt certain Gwinnett County Codes and these resolutions will give the City time to adopt its own certain ordinances.

ZONING MORATORIUM RESOLUTION: Attorney Riley explained this moratorium resolution is necessary for zoning, land use and licensing purposes to consider when developing the city ordinances for zoning and land development, business and alcohol permits, applications and processing of applications and more. Council member Sadd motioned, seconded by Council Member Aulbach 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. There was council discussion on the processing of current applications, the need for better communication with citizens. Attorney Riley explained the IGA does not include any early resolution, that is up to the county if they decide to return to the pre-application review process. There being no further discussion, Mayor Mason called the motion and the motion carried unanimously. **(Resolution 2012-06-08)**

BUSINESS MORATORIUM RESOLUTION: Attorney Riley reviewed this resolution which allows a moratorium for thirty days on licensing and/or or permits for businesses, including adult entertainment, massage establishments and spas and escort and dating services; which will allow time for the city to develop its regulations and consider adopting its own ordinances. Council Member Aulbach motioned seconded by Council Member Sadd 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, Business Licenses 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 scribner's error on the agenda, the correct chapter in the resolution is Chapter 18. There being no further discussion, the motion carried unanimously. **(Resolution 2102-06-09)**

CONTINUATION OF SERVICES: Attorney Riley outlined his email and telephonic communications with Gwinnett County, he read a letter that will go to the County Manger referencing a May 1, 2012 letter, explaining the functions under the IGA. He requested council to authorize the approval of the Agreement with Gwinnett County for the Continuation of Services. Council Member Sadd motioned, seconded by Council Member Christopher to approve this action. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

MAYOR'S COMMENTS: No Mayor's Comments

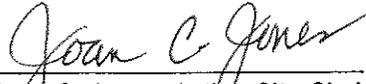
EXECUTIVE SESSION: No Executive Session was held,.

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