

City Council of Peachtree City
Minutes of Meeting
August 5, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, August 5, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:43 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognition

Mayor Haddix and Debbie Lemay, an adult volunteer with the Peachtree City Youth Council, recognized Cynthia and Erika Mims, who both graduated this year, for their service on the board while they were in high school. Jason McKinnon of the Police Department was recognized for 15 years of service.

Minutes

Haddix noted there was an additional document on the dais – suggested changes to the July 15, 2010, regular meeting minutes. Learnard moved to approve the June 15, 2010, budget workshop minutes as written; July 8, 2010, budget workshop minutes as written; and the July 15, 2010, regular meeting minutes as amended. Imker seconded. The motion carried unanimously.

Monthly Reports

Imker said he had several questions. Referring to the Financial Services report, Imker noted the budget progress and asked if there would be a revised estimated projection for the end of the fiscal year. Financial Services Director Paul Salvatore said the projection currently showed the use of \$113,000 in cash reserves. Imker asked what the original estimate was on the use of cash reserves. City Manager Bernard McMullen said the original projection had been a little over \$400,000. Imker said the trend was very favorable.

Imker referred to the Fire and EMS report, noting that there had been 1,323 rescue/EMS assists year-to-date 2009 compared to 1,479 year-to-date in 2010. Assistant Fire Chief-Operations Joe O'Connor confirmed the Department had been busier. Imker also asked about residential fires, noting there had been 20 year-to-date to date for 2010. McMullen said the data was right at the average compared to 2009.

Imker referred to the number of false alarms, noting there had been 199 year-to-date 2009 compared to 232 year-to-date in 2010 and asking if something could be done. City Attorney Ted Meeker said staff was working on an ordinance to try to combat the increase in false alarms.

Imker referred the revenue from recreation fees, asking how they were doing with the new estimate of \$514,820. Leisure Services Director Randy Gaddo said the revenues at Kedron Fieldhouse were 35% ahead of projections, while the total for the division was 15% ahead. They were well ahead, but he was not sure of the exact amount. McMullen said staff would get those numbers to Council.

Imker referred to the Police Department report, noting that there were 10 motor vehicle thefts in June and 30 year-to-date, so one-third of the thefts thus far had been in June. Police Chief H.C. "Skip" Clark said there was actually a decrease compared to the 38 motor vehicle thefts year-to-date in 2009, but did not have information on the high number in June. Imker said he would still like to know why there was a spike during June, and there might be a pattern staff was missing. He

continued that there had been 3,077 citations issued year-to-date in 2009 compared to 4,993 year-to-date for 2010. He asked if enforcement was more aggressive. Clark said enforcement was more aggressive, noting there was a direct correlation between traffic and the crime rate. The higher police visibility, the lower the crime rate. Clark added that twice as many warnings were also being issued.

Imker asked when the Code Enforcement data would be included on the Police Department report. McMullen said he had reviewed the July report/format that day, and the July report would be provided to Council in September.

Consent Agenda

1. Consider Amendment to Lease Agreement with Canongate for Tennis Center Buildings
2. Consider Accepting Donation of Batting Cage from Baseball Association
3. Consider Approval of Agreement – Southern Crescent Aquatic Team (SCAT)
4. Consider Approval of Agreement – Pirates Swim Organization
5. Consider Approval of Agreement – Masters Swim Organization
6. Consider Ordinance Amendment – Library Commission and PCTA

Learnard moved to approve the Consent Agenda. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

08-10-02 Public Hearing – Consider Street Name Change, Victor Road to Echo Court

Community Development Director/City Planner David Rast said the request to change the street name was from the Peachtree City Airport Authority (PCAA). They had followed the protocol in the ordinances. There were two properties that had frontage on the existing street, but the addresses were not Victor Road. Rast showed the location on an aerial photo (a copy is included in the meeting file). If the name change was approved, then Echo Court would come all the way to Falcon Drive.

The public hearing opened.

Bob Grove addressed Council, adding that he was the operations officer for the Dixie Wing of the Commemorative Air Force, which was located in the cul-de-sac at the end of Echo Court. The organization supported the change. He pointed out that, when they had events, people often could not find their facility, especially when using navigational systems. He said changing the road name would alleviate a lot of issues, and it would not affect any addresses.

No one else spoke. The public hearing closed.

Learnard moved to change the name of the public street named Victor Road to Echo Court. Fleisch seconded. The motion carried unanimously.

08-10-03 Consider Amendment to Traffic Ordinance, Article III, Section 78-92

Haddix noted there was an additional document on the dais – additional comments from the online survey. Public Information Officer Betsy Tyler addressed Council regarding the proposed ban on the registration of additional gas golf carts, adding that the provisions of the proposed amendment would eliminate all gas carts in 10 years. Tyler continued that the draft ordinance would establish a cut-off date for registering new gas carts and for operation of gas carts on the cart path, and requested that

Council select specific dates for those requirements. Additional language in the proposed ordinance would allow the transfer of gasoline carts that were already registered during the 10-year time frame; would exempt government maintenance, inspection, and safety vehicles; would exempt carts on local golf courses; and would waive the requirement for approved tourism events, such as the July 4th festivities.

Tyler discussed the input received from the public. Canongate (the owner of the golf courses) wanted the ability to choose the types of carts used on its property. The golf cart dealers were concerned about the resale value of gas golf carts, customers' desire for range and larger carts, and the lack of access to charging stations for their rental fleets. Dolce and Wyndham were the only hotels to respond and supported the proposed ban on gas carts.

Tyler said there had been 1,723 responses to the online survey, and 5.2% of those responding did not own golf carts while 94.8% were golf cart owners. Six percent said they owned gas carts, and 94% owned electric carts. Seventy-nine percent supported the proposed ban, 14.6% opposed the proposed ban, and 6.4% were neutral.

Tyler continued that 19 of the people participating in the survey chose a gas cart because electric ones could not handle the hills or distances. Sixteen cited safety reasons; they were not stranded with dead batteries or no lights at night. Fifteen said gas carts were cheaper to operate and maintain, while 11 said it was easier to refill than to recharge the carts. Nine said their frequency of cart use required gas, while six said they got a good price when they bought the carts. Six said gas carts were less polluting than electric carts, had a lower carbon footprint than replacing lead batteries, and there was no pollution due to electricity generation. Four bought gas carts so they could carry more people. Three were concerned about the safety of chargers, and three had no access to a charging station.

Tyler said several survey respondents had suggested requiring emissions inspections for gas carts or charging a higher registration fee for that type of cart. She noted that state law, OCGA 40-6-333, said a city could not require motorized carts to meet any requirements of general law as to registration, inspection, or licensing, and that the licensing of carts operated within the city boundaries should not exceed \$15.

Mayor Haddix opened the floor for discussion.

Bob Grove said the Great Georgia Airshow used 80 – 100 gas carts every show that did not leave Atlanta Regional Airport-Falcon Field property. He asked if there would be an exemption for that event. Tyler said there was not a specific exemption for the Air Show, but, the proposed ordinance only addressed public streets and paths.

Connie Haynes said the proposed ban was a long-time coming. Electric carts polluted less, and she liked that the City had taken the lead in banning gas carts. She suggested putting charging stations throughout the City to help support the model.

Al Yougel of Keep Peachtree City Beautiful (KPTCB) noted there was an exemption for government maintenance, asking if KPTCB would be covered under that since they spent a lot of time on the paths with their truck. He asked for clarification on whether KTPCB was considered government or

non-government. Meeker said KPTCB had a contract with the City to perform the service and were acting on behalf of the City.

Jonathan Hooper with Bulldog Supply said he would like to get more information from the gas golf cart makers before Council made a decision on the proposed ban. He said his business had many requests for gas carts, and they preferred to use gas carts for rentals, noting they covered 30 to 40 miles on a single tank. An electric cart covered about half that distance on a charge. He noted that the paths were also expanding outside the City. He urged Council to hold off on making a decision.

Angela Newton said she lived on the north side of the City and bought a gas cart eight years ago. She had never been stranded and had helped push electric carts several times, often after dark. She said if 90% of the gas carts belonged to seniors, many used the carts as primary transportation, they could not risk getting stuck or they might not have access to chargers. Reliability translated to a safety issue. Gas carts cost more upfront, but required less maintenance. The carts averaged 30 – 50 miles per gallon. If being greener was truly a concern that was hard to compete with. Although they were louder than electric carts, approximately 40,000 – 60,000 batteries were replaced every four to six years with proper maintenance, and there were no reliable statistics on battery recycling. Many were probably going into the landfills.

Cliff Stern said that normally when things were banned they were unsafe or dangerous. He asked what precedent would be set for golf cart manufacturers if gas carts were banned in the City. There were ways to cut down on noise and emissions other than physically taking someone's property.

Brian Toussaint asked about charging stations, noting that people could not use the one at the Library anymore. The market should dictate whether gas carts were used or not. He said the smell from a local restaurant near one cart path was worse than the smell from a gas cart, adding a ban was one more step toward socialism.

Paul Fisher challenged the range issues. He could use his electric cart to get from his home in Braelinn Village to Flat Creek Golf Course, play 18 holes, then get home again on one charge. As a pedestrian on the path system, he said gas carts had more power, were faster, and came too close to walkers. All cart drivers needed to be more considerate of pedestrians.

Connie Haynes said that she worked for the Environmental Protection Division (EPD), specifically in Air Protection, saying it was not good to compare a gas cart's engine to a car's. The motors for gas carts were more akin to the motors of leaf blowers and lawnmowers. The EPD had new rules on pollution from smaller motors, and it was illegal for batteries to go into a landfill per state law.

Rick Schultz said 95% of the carts in the City were electric, and they were managing to get by. The concern was pollution from a gas golf cart, and there was no constitutional right to a gas golf cart. Hopefully, the majority would rule.

David Cohen said he was an electrician, and he would never own another electric golf cart. His charger/golf cart caught on fire in the garage with his family in the house. He bought gas over electric for safety reasons.

Dick Allis said that, when he first moved to the City, gas carts were not allowed on the paths, and that had changed about 20 years ago. They smelled bad and were noisy. The only benefit to gas carts was that walkers could hear them.

Juan Matute said he bought a gas cart 23 years ago, and it had just been refurbished. The main reason he had a gas cart was because of the replacement cost for the batteries. He intended to keep the cart, adding that it had a governor on it just like an electric cart. He did not speed. It could become his main mode of transportation one day, and he asked Council to consider an exemption for senior citizens. A home in his neighborhood had also caught on fire because of a golf cart charger. He asked Council to table the proposed ordinance and to get as much information as they could before making a decision. He had voted yes on the online survey, but had changed his mind. If Council wanted to address the stink and pollution, then they needed to get rid of all but one of the garbage companies and their trucks.

Beth Pullias said she hated gas carts. She cautioned Council to be careful in banning something for 5% of the residents and to think about their decision. She continued that everyone had different needs. If only 5% had stinky carts, she said everyone else could put up with that.

Ronald Ruff said he had had four electric carts over his 29 years in the City, and he would trade all four for the gas cart he bought six months ago. He could go 200 miles on a tank of gas. The realistic mileage for an electric cart was 12 – 18 miles. He lived on a corner and someone was always asking to plug their cart into an outlet in his garage. It was not the City's business to provide charging stations. Ruff said it was a falsehood that the gas carts went faster, adding that any cart can be made to go twice as fast.

Caren Russell suggested that the shopping centers be asked and encouraged to put in charging stations so residents could go from one area of the City to the other. Haddix said that Braelinn planned to put in a charging station, and the DAPC was working with all the centers about it.

Mary Giles said she was using her second cart in the 16 years she had lived in the City. She lived in Braelinn Village and could go to Kedron and back in an electric cart. Carts that were properly maintained could get everywhere in the City and get home. The paths were unique, and gas carts interfered with the enjoyment of them.

Haddix closed public comment.

Fleisch said she also disliked the gas carts. They were loud, smelly, and put out puffs of smoke that surely polluted the air. She had chosen to buy an electric cart, but there were only 488 gas carts on 90 miles of paths. It was their choice. Only one of the 58 golf cart accidents last year involved a gas cart. She concluded that Council was ready to ban gas carts because they were not liked. Only a handful of complaints brought the issue to the forefront. She had to look at the ramifications of what else could be banned because people did not like them. She wanted to spare unwarranted government intrusion into people's lives.

Haddix said that he had heard the complaint about gas carts over and over. It was a long-standing complaint.

Learnard said she received more complaints after the Fourth of July. She noted that auto makers had found that electric/hybrid vehicles were twice as likely to be in an accident with a pedestrian as regular vehicles because they were so quiet, and they were moving forward with artificial sounds for the vehicles. She ran her own electric cart all the time, as well as the time she spent running on the paths. She agreed the gas carts did not smell good. Learnard continued that a shop owner told her that it would kill the cart rental business if the ban was passed, which was very important to her. In her research, she found that the gas carts emitted fewer pollutants than the Police Department's all-terrain vehicles. In the future, there might be opportunities for paths to connect to Senoia and Tyrone. She would hate to take away people's choice.

Imker asked if gas carts were not allowed 20 years ago and whether it was an ordinance change that permitted them. Tyler said she would have to research the ordinance history.

Imker asked Meeker if there were any legal consequences to banning gas carts. Meeker said he was not aware of any legal consequences. The ordinance addressed City-owned paths, so the decision was ultimately up to Council.

Imker said he had created a checklist to take the emotion and concerns for the environment out of his decision. The favorable points on elimination of gas carts included removing the smell from the cart paths, removing noise from the cart paths, and removing local pollution from the cart paths.

The unfavorable points included hurting dealers by removing the sales and rental business option, hurting current gas cart owners in 10 years by leaving them with no option for using their carts in the City, and hurting visitors who did not always have access to outlets for charging. Imker also acknowledged the following as unfavorable points – higher driving range would be eliminated, higher gear ratio for driving up hills would be eliminated, and the ability to handle extra load "larger" carts would be eliminated.

Imker said that "non-issue" points included the following – "green" initiative in total environment (generating electricity compared to use of gas), excessive speed issues existed with both gas and electric carts, safety issues existed with both gas and electric carts, enforcement rules applied to both gas and electric carts, proper maintenance of gas carts was similar to battery replacement costs for electric carts, no emission testing was required for gas carts, and state law prohibited different fees/registration rates for electric and gas carts.

Imker said he understood the rental issues for businesses and owners that had gas carts. Dealers who rented gas carts would have 10 years to transition their fleets. They could provide customers with maps. He agreed there could be many changes in technology in the next 10 years, and no one knew what it would be like. There would be plenty of opportunity to transition to something other than a gas cart.

Sturbaum agreed. He said he was concerned about the gas carts used by the Great Georgia Airshow, but agreed that 10 years for the transition was plenty of time. Meeker clarified that the airshow was held on private property. Council could only make an exemption for use on the City-owned paths for special tourism events.

Learnard asked where the gas carts people brought in for special events would come from, adding that the City's dealers would be at a disadvantage. Learnard said she would like to learn more about that and get all the information she could before making a decision, noting that things had not changed much in the last 10 years. Haddix said the rental fleets would be grandfathered for 10 years, adding that battery technology was changing and no one knew what the technology would be at that time. Sturbaum agreed there was a lot of research and development. Learnard said she would like some information on that before making a decision and disadvantaging citizens and business owners.

Haddix said the premise was that Council was giving the owners and the businesses the 10-year transition period. Gas carts would not last forever.

Fleisch asked how the ban would affect Tyrone and the City's reciprocal agreement regarding cart registration. Tyler said she did not know the ramifications; however, the City did recognize golf carts that were lawfully registered in Tyrone. Tyrone cart owners did not have to register with the City to use its paths, and City cart owners with lawfully registered carts could use the paths in Tyrone. She said they would have to make the Tyrone residents aware of the rules. Fleisch asked if they would be part of the grandfathering. Meeker said it could still be done under the reciprocal agreement. They were looking at generally a 10-year window.

Hooper said his company registered 30 gas carts per year with the City, and the gas carts were rotated every year. They would have to keep the most current ones for 10 years. He asked if there could be an exemption for the dealers, adding that the carts would be nasty to keep for 10 years.

Imker said that was a good point and suggested the ordinance include language for dealers allowing them to buy 30 registrations annually to allow for the rotation of the carts. Fleisch said that number could vary from dealer to dealer, and the more exemptions there were in an ordinance, the less point there was in having an ordinance. Learnard said they wanted an exemption for businesses. There was a waiver for July 4th, which was when there was an onslaught of e-mails, adding they would still get those complaints. She asked if they were going to include an exemption for seniors and heavier people. Imker said the dealers would not need an exemption. Haddix suggested the registration not be tied to a specific cart, asking Meeker if that was feasible. Tyler said the registration permits were the decals affixed to the sides of the carts. They did not come off; rentals were registered so they could be used on the paths. The language would have to be modified in the ordinance.

Meeker said staff could add exemptions and exceptions to the proposed amendment, but they needed to know what Council wanted. The wording would be challenging, but the ordinance would be even more challenging for enforcement. Imker said he wanted to be fair, but he still believed 10 years was plenty of time. The language as currently proposed was not acceptable, and he would like to continue the discussion.

Haddix asked for consensus on staff guidance – a special set of rules for existing businesses. Haddix said any new shops that might open should not be included. Meeker said the ordinance should also encompass what would happen if a business was sold or transferred. Haddix said that was a transfer of an existing business. An existing owner could sell a cart to someone else during the 10 years. Imker suggested the deadline for registration of gas carts should be prior to October 1, making September 30, 2020, the drop-dead date for a total ban.

Meeker said penalties for violations would be the same for any ordinance violation subject to the penalty imposed by the Municipal Court Judge.

Learnard said when businesses told Council that Council's decision would kill their business, they needed to listen. The trade-off for electric carts was increased maintenance cost. They could be imposing vehicles on people who could not afford them. They needed to be careful in proceeding. Imker said he had more faith in business's ability to be able to adjust. While it might kill rentals of gas carts, it would not kill the rental of electric carts. Haddix agreed.

Fleisch said the proposed ban would also de-value the gas carts people owned now, and they would be limited in what they could do with them. A lot of people would be affected. Haddix disagreed, adding that values usually went up when the stock was limited. Imker said the carts could be sold on internet sites to people in other communities.

Imker moved to continue the agenda item. Fleisch seconded. The motion carried unanimously.

08-10-04 Consider Amendment to Intergovernmental Agreement with Keep Peachtree City Beautiful (KPTCB)

Keep Peachtree City Beautiful Executive Director Al Yougel said the change had been recommended by staff between the City and KPTCB. He explained that, currently, KPTCB requested the expenditure of funds from the City. The funding for KPTCB came from the franchise fees paid quarterly by the trash companies. Their spending was based on the budget approved by Council. The change in the agreement would require KPTCB to keep the financial records and provide audited reports at the end of the year.

Learnard asked Yougel what would be different. Yougel said the fees were placed in a special holding fund, and KPTCB requested the funds be dispersed through the Financial Services Division. The process was the same as any other City department that requested funds. The City kept the records of what was expended from what account. The change would be that KPTCB would receive the fees and spend the funds without going through the City.

Yougel continued that the concern KPTCB had, other than keeping the books, was the cost for the audit was 8.75% to 11% of the annual budget, which seemed high. The quotes had ranged from \$3,500 to \$5,000 for an audited financial report, and their income was only \$38,000 – \$40,000. He suggested partnering with the City's auditor might help keep that cost down; however, the change would be positive for day-to-day operations.

Imker asked if the current City budget included the KPTCB audit. Assistant Finance Director Janet Camburn said that the costs for the audit were currently paid by the City. If the agreement was approved, then KPTCB would be subject to an audit as a separate legal entity. Imker asked if the City's audit costs would go down equivalently. Camburn said they would not. Salvatore added that KPTCB was essentially receiving free bookkeeping services from the City. Approval of the agreement would mean KPTCB would be set up like any other component unit of the City such as the Water and Sewerage Authority (WASA) and the Convention and Visitors Bureau (CVB), both of which did their own bookkeeping and auditing.

Imker said he did not like the idea of spending \$3,000 for an audit for the convenience of having KPTCB handle their funds. He asked Yougel how many transactions KPTCB had per month. Yougel said there were less than 10 per month. Imker said he did not like giving up control of the funding and wasting \$3,000 on an additional audit when that money could be used for additional KPTCB needs.

Haddix asked if there was a way to set up it up so the additional cost of an audit for the City could be deducted from KPTCB instead. Yougel said that would be part of the budget. Haddix asked if it would be lower than \$3,000. Yougel said the fees went into a special fund, and KPTCB made requests to expend the funds. Whether KPTCB requested to spend \$3,500 on an audit or not, the costs came out of that fund. Salvatore added they had only received one quote for an audit for KPTCB. There might be others that were cheaper. There would still be some money coming out that was not coming out now.

Meeker said that, in terms of financial services, the City had agreements in place where the City was reimbursed for time spent. He did not know if the same could be done for an audit for KPTCB. Haddix said his question had been answered. The cost for staff time had been deducted. Meeker said that was not part of the current agreement with KPTCB. Haddix said it would probably be cheaper to do that rather than pay for another complete audit.

Imker said the number of transactions was essentially insignificant in the total workload of the City's Purchasing Department, and there was no need to change how the finances were handled.

Learnard asked what the justification was for the recommendation. McMullen said he was told that was what Yougel wanted to do. There appeared to be a communication problem. He asked Council to continue the agenda item, and staff would bring it back later.

Sturbaum moved to continue the intergovernmental agreement with KPTCB until further notice. Imker seconded. The motion carried.

08-10-05 Consider Ordinance Amendment – Lake Peachtree Usage

Gaddo said this was a housekeeping item that would bring the ordinance in line with the practice already approved by Council, through which Council would approve requests for lake use other than what was specified in the ordinance.

Sturbaum moved to approve the ordinance amendment on Lake Peachtree usage as stated by staff. Learnard seconded. The motion carried unanimously.

Council/Staff Topics

Hot Topics Update

McMullen reported that the Paschall tunnel paths were basically finished despite the rain. They should be able to move forward on the retaining walls, which was the majority of the work left. They should finish by the end of August. The proposed ordinance changes on cell towers would be on the August 19 agenda. There was nothing more specific with the contractor regarding the Rockaway Road realignment. They had not been able to speak with the contractor, but McMullen said he visited the area that day, and they were still grading. They expected to finish by October. The

drawings for the MacDuff tunnel had been sent to the Camden Apartments' legal section, and a meeting was scheduled the next week to send the survey information.

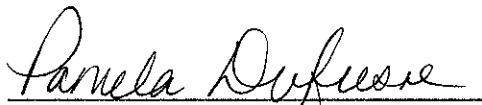
Imker asked why a section of cart path from Shakerag to Braelinn Shopping Center had not been finished yet. McMullen said he would find out and get back to Council. Imker said it was a long stretch of cart path that was difficult to travel now.

Learnard moved to enter executive session to discuss threatened or pending litigation and a personnel matter at 9:37 p.m. Imker seconded. Motion carried unanimously.

Sturbaum moved to reconvene into regular session at 10:06 p.m. Learnard seconded. Motion carried unanimously.

Imker moved to authorize payment in the amount of \$450.00 to resolve the claim raised by Grady and Joanne Boyce. Sturbaum seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 10:07 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor