

City of Peachtree City
Minutes of Meeting
July 3, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, July 3, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, and Dan Tennant. Murray Weed was out of town.

Announcements, Awards, Special Recognition

There were no announcements, awards, or special recognitions.

Approval of Minutes

There were no minutes for approval.

Monthly Reports

Mayor Brown announced that all City offices would be closed on Friday, July 4. He reminded everyone about the new parade route and went over the schedule of events for July 4th. Brown continued that City offices would close again on Monday, September 1, for Labor Day. Other events of interest included the Last Fling, August 9; the Great Georgia Airshow, September 6-7; Shakerag Arts & Crafts Festival, September 20-21; and the Peachtree City Classic Road Race, October 18.

Brown pointed out on the monthly reports that the number of Peachtree City prisoners was down in the Fayette County Jail compared to last year. He continued that Part 1 Crime statistics were down from 138 in 2002 to 123 in 2003 and that the top 5 accident locations were all on the Highway 54 West corridor.

Consent Agenda

- 1. Consider Request to Lower Lake Peachtree in November and December**
- 2. Consider Stallings Road Agreement with Fayette County**
- 3. Consider Request to Surplus Obsolete Computer Equipment**

Brown noted that the surplus obsolete computer equipment would be donated to a charitable organization. McMenamin pointed out that the lowering of Lake Peachtree as requested by the County Water Commission was done periodically so the homeowners could perform maintenance on their docks. Rapson directed staff to include the information about the lowering of Lake Peachtree in the October issue of Update so all City residents would know why the lake was lowered.

Tennant moved to approve the consent agenda items 1, 2, and 3 as submitted. McMenamin seconded. The motion carried unanimously.

New Agenda Items

**07-03-01 Alcohol License – Change in Licensee and License Representative –
 Hangar 74**

Applicants Stephan and Cynthia Zombik addressed Council. McMenamin said she was delighted to see new ownership of the business and noted there had been constant problems for the Police Department with the previous owners. She continued that she knew the Zombiks had already discussed those problems with Chief Murray and urged the Zombiks to call Chief Murray any time they had concerns.

McMenamin noted that all of the paperwork appeared to be in order and moved that Cynthia Zombik be appointed as the Licensee and Stephan Zombik be appointed as the License Representative for Hangar 74. Tennant seconded. The motion carried unanimously.

07-03-02 Provide Update on Golf Cart Ruling

City Manager Bernard McMullen said the agenda package included a letter he wrote to State Representative Lynn Westmoreland concerning the recent Court of Appeals ruling. McMullen said he thanked Westmoreland for his support and recognition that there needed to be legislative changes to recover the privileges the City worked under in terms of age restrictions and licensing. McMullen requested that Council send a subsequent letter to Westmoreland endorsing that position.

McMenamin applauded Westmoreland for taking the lead and trying to get golf cart legislation on the agenda if a special session of the Legislature were called this year. She said she supported and appreciated Westmoreland's actions, as well as McMullen's letter. McMenamin also thanked Mitch Williams for allowing his letter to be attached.

McMullen suggested that Council might want to form a task force to work on draft legislation to send to Westmoreland.

Brown noted that Yamaha had also researched the law regarding golf carts and had found a lot of inconsistencies in the federal, state, and local laws. Brown felt it would be a healthy experience and the proposed legislation could possibly fix the City's golf cart ordinance once and for all. He continued that federal guidelines had specific classifications for vehicles that did not exist at the state level. Brown added that several new transportation innovations also did not fall under any classification.

Rapson said the ruling really struck at the heart of the City's quality of life and affected everyone. He continued that he felt everyone agreed that the path system was not a highway. Rapson said the issues needed to be addressed. He liked McMullen's letter and continued that the City needed to work with the Governor's office and Westmoreland to present and pass legislation that allowed local governments to determine who and what could drive on cart paths. He said they should specify the City wanted an exemption under the motor vehicle requirement. Peachtree City had ordinances in place that clarified such matters. Rapson commended Chief Murray on stopping golf cart DUIs.

He said Council needed to ensure a provision for DUIs was included in the City ordinances if the local legislation was enacted by the state.

Tennant also commended Chief Murray and thanked Westmoreland for his efforts. He continued that the ruling was unfortunate, but the hand had been dealt. Tennant said all of the Council Members had heard from a lot of people, particularly from senior citizens and younger teens. He said it was a tough situation, but the City could not selectively enforce the law. Tennant said he was going to open up a can of worms and recalled that he was driving at 70 mph on the Perimeter and was the slowest driver. He continued it was a bit of a gray area and asked if there was any leeway on how rigidly the law was enforced. Tennant pointed out he was not suggesting the law not be enforced, but not to stop anyone unless there was a strong reason to believe the law was being broken.

City Attorney Brad Sears pointed out that the City had good police officers who exercised good judgment. The Court of Appeals ruling had required that residents have driver's license to operate a golf cart on City streets. Sears said he was sure the officers used the utmost discretion in doing their job and deferred to Chief Murray.

Rapson said that the contradictory information on the state laws did leave room for some discretion and judgment. He believed Chief Murray and his officers were doing that, but he questioned how long that argument could be made. Rapson said he would rather officers exercised the discretion they had shown so far.

Chief Murray pointed out that what the Court of Appeals ruled became the law the land. Failure to do the job could lead to an incident and injury. Murray said the City did not have enough money to satisfy a claim if someone were injured because the law was not enforced. Murray said he had found, during the last 30 years as a police officer, that 98-99% of people complied with the law. He continued that this was now the law and it would be enforced. Murray pointed out that if they stopped a 15-year old driving without a license, with parents who worked at the perimeter, they could not let the teen go. An officer would be tied up for three or four hours until a parent arrived. People would have a reasonable amount of time to comply with the law. Murray said enforcement was a major drain on the Police Department.

Tennant noted that a 15-year old might look 12 and an officer would have probable cause to stop the driver. On the other hand, there would be no reason, or probable cause, to stop an elderly person because they were obviously of legal age.

Murray said they operated on probable cause. To be effective with golf cart traffic, the officers generally went to heavily traveled areas. He said they would not go to extraordinary enforcement measures because they could not do it. The Department was busy enough just answering calls for service. Murray said parents had to understand that they would be issued a citation if their 15-year old was cited and the 15-year old might not be able to get a license until they were 18 if convicted. Murray continued that he hoped the law would change, but the Department could not operate on the hope that the

law would change. He said the police would not be the Gestapo on the cart paths. He urged residents to do as they had always done and comply with the law. Murray pointed out that liability-wise he was responsible to look out for the City.

McMenamin asked if a golf cart driver needed to have their driver's license in their possession. Murray said yes and that the same licensing requirements that applied to cars applied to golf carts. The big issue that had not been addressed yet was insurance. Murray said the City Attorney was going to look at the insurance issue. Murray pointed out that the ruling said a golf cart was a motor vehicle and insurance was required for motor vehicles.

Rapson said he did not want to hear that the police were being selective as to whom they stopped. They should stop elderly and teens alike. Rapson told Murray he felt the officers had been using sound judgment. Rapson added that the City needed to make sure DUIs on golf carts were covered through the City's ordinances. Murray urged residents to comply with the law. Tennant added that the police had always been fair and had used reasonable discretion.

Murray suggested that The Gathering Place form a group to help the elderly and handicapped that needed transportation assistance until the issue was settled. Murray pointed out that a 15-year old could ride a bicycle or walk, but there was small group of people who needed assistance. Brown asked the press to let the public know the City wanted to hear from elderly and disabled residents without licenses and how the ruling affected them. Brown explained that their statements and testimonies could be helpful.

Rapson added the fact that younger teens (12-14) could no longer drive carts in the City and this affected the quality of life for all citizens. Other groups affected included the Hispanic and Japanese populations, as well as environmentally conscious people.

Brown noted there was a local company that brought in trainees from out of the country and issued them a golf cart for transportation. He continued that the company was also very concerned about how the ruling affected their training program. Brown said he was in favor of restoring the ordinances that were in place before the court ruling. The Council Members agreed with Brown. Rapson noted that the wording needed to specify the bill was local legislation and that it specifically included an exemption for golf carts under the motor vehicle requirements.

Rapson moved to fully support the legislation discussed during the meeting and to draft a letter from Council to the Governor and Representative Westmoreland endorsing the City Manager's letter. Tennant seconded. The motion carried unanimously.

07-03-04 Consider Stormwater Utility Feasibility Study

City Engineer Troy Besseche addressed Council and noted that the City faced escalating costs for the stormwater management program, largely from growing regulatory and maintenance burdens. He continued the ordinary revenue streams could not

accommodate the risings costs. Staff recommended, with the support of Council at the Retreat, that a feasibility study be pursued to evaluate the merits of a stormwater utility. The City's stormwater consultant prepared a task order outlining the scope of work for a feasibility study. The study would examine the financing methodology and potential billing mechanisms as related to program needs. The study's result would be a clear picture of the complexity, difficulty, and potential for success of a utility. Besseche said Council would determine at that point whether to proceed with the development of a utility. The cost of the study was \$12,750. Three other steps were also necessary during the next 18-24 months and each step would add levels of detail to the process and would solidify the case for the future of stormwater management in the City. Besseche said each step would be completed at the direction of Council. Staff recommended the funding for the feasibility study come from PIP Contingency in order to maintain current program levels. Staff recommended Council authorize the release of PIP funds for the stormwater management program and approve the task order for \$12,750 to complete the stormwater utility feasibility study.

Tennant asked Besseche if he had any reservations about spending the money for the study. Besseche said he did not. Tennant moved to approve the one-time cost of \$12,750 from the PIP Contingency Fund for the stormwater utility feasibility study as recommended by the City Engineer. Rapson seconded. The motion carried unanimously.

Brown pointed that, with all the rain, the City had received many calls regarding drainage. He estimated there were about 80 calls a week. He said that the City was seeing where the holes were in the system.

07-03-03 Consider City Slogan

Brown noted that Agenda Item 07-03-03 Consider City Slogan had been removed from the agenda for this meeting and placed on the July 17 agenda. He explained that Council Member Weed had a special interest in the item and had been unable to attend this meeting.

Council/Staff Topics

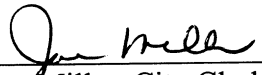
McMullen announced there was one legal matter for executive session.

McMenamin moved to reconvene in executive session for a legal matter. Tennant seconded. The motion carried unanimously.

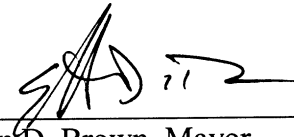
Rapson moved to reconvene in regular session. Tennant seconded. The motion carried unanimously.

Rapson moved that Council execute the affidavit for executive session. Tennant seconded. The motion carried unanimously.

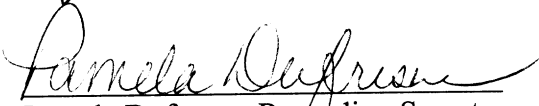
There being no further business to discuss, Rapson moved to adjourn the meeting. Tennant seconded. The motion carried unanimously. The meeting adjourned at 8:15 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary