

City Council of Peachtree City

Agenda

February 15, 2001

7:00 p.m.

- I. Pledge of Allegiance
- II. Announcements, Awards, Special Recognition

Employee of the Month Award - Bernice Wassell
- III. Minutes - February 1, 2001
- IV. Consent Agenda
 1. Alcohol License Change – Don Pablos - approved 5-0
- V. Old Agenda Items
- VI. New Agenda Items
 - 02-01-04 Presentation - Golf Cart Safety Restraints and Litter from Fast Food Restaurants - Bill Aleshire - no action taken
 - 02-01-05 Presentation – Fayette F.A.C.T.O.R., Tane Wilson – no action taken
 - 02-01-06 Solicitation on Highways- no action taken – no action taken
- VI. Council/Staff Topics
 1. Discussion – Line Creek - Carol Fritz said the Line Creek Association expressed concern that WASA's water discharge study was flawed and that Line Creek was impaired. Discussion took place. The city will request send out RFP's to request an independent review of the study. The City Manager will meet with Dennis Chase to obtain a summary of their concerns.
 2. McMenamin suggested that staff contact the former Mayors of Peachtree City for their input on the changes to the Charter.
 3. Brooks instructed staff to send another letter to the Department of Transportation to follow up with a letter that had been hand delivered to Mr. Tom Coleman concerning the entrance to Planterra Drive.
 4. Brooks resigned from Council effective February 21, 2001.
- VIII. Executive Session

Council members present: Mayor Bob Lenox, Robert Brooks, Annie McMenamin, Carol Fritz and Dan Tennant

City Council of Peachtree City
Minutes of Meeting
February 1, 2001
7:00 p.m.

The City Council of Peachtree City met in a regular session, Thursday, February 1, 2001, at 7:00 p.m. in the City Hall Council Chambers. Mayor Robert L. Lenox led those attending in the pledge of allegiance. Other Council members present were: Carol Fritz, Bob Brooks, Dan Tennant and Annie McMenamin.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox and Police Chief Jim Murray presented Commendation of Honor Awards to Police Corporal Vicki Roman and Richard Scott, citizen, for rescuing a woman from a burning building.

MINUTES

McMenamin made a motion to approve the January 18, 2001, minutes as submitted. Brooks seconded the motion. Motion carried unanimously.

CONSENT AGENDA – approved 5-0

1. Consider Bids – Computer Equipment – Police Station
2. Consider Bids – Telephone System – Police Station
3. Consider Bids – Landscaping & Irrigation – Police Station
4. Alcohol License Transfer – Creekside Chevron (fka Mini Mart)

Lenox made a motion to approve the consent agenda. Fritz seconded the motion. Motion carried unanimously.

NEW AGENDA ITEMS

02-01-01 Discussion of Planterra Tennis Center Phase III

Tate Godfrey, Development Authority member, addressed Council to advise them of the status of activity at the Tennis Center. He said the current facility was valued at \$2 million. He said the center served over 2,000 people each year. He credited the facility manager, Virgil Christian, and his 31 employees for much of the Tennis Center's success. He described an expansion plan for the center that would cost approximately \$2.4 million. The expansion called for covered tennis courts to bring the total number of courts up to 25, a two-story

9,500 square foot administration building, and a parking lot expansion with landscape improvements. He said the existing building would be used as an organized youth center.

He said much of the Development Authority's funding came from hotel/motel tax. He estimated that the Tennis Center was responsible for 600 room nights in local hotels in the year 2000. He estimated that the center had more than \$4 million impact on the local economy.

He felt that the expansion would increase the center's activities and bring larger tournaments to Peachtree City. He felt that the additional activity would bring approximately 1,800 room nights into Peachtree City each year with an economic impact of \$10 million.

He said Council had decided to reduce the Development Authority's funding to \$175,000 a year by gradually reducing the amount of hotel/motel tax distributed.

He said if the funding were reduced they would not be able to meet their financial obligations. He explained that the Development Authority was responsible for the operation of the Tennis Center and the Amphitheater and they had started out with a \$200,000 cash reserve fund. He said both facilities operated on a break-even basis. He said the net profit from last year came to \$587. He said last year the Development Authority spend \$177,080 to operate the two facilities and only \$21,000 on economic development. He said the \$177,080 operation cost did not take into account their loan payments for capital improvements and expansions that have taken place. He said the City has always provided funding to the Development Authority for the operation of the two facilities because both facilities provided recreation programs for the community. He said if their funding were reduced they would be forced to reduce the quality of programs they could provide.

Godfrey said their current debt payments totaled \$85,000 a year. The new expansion would bring the debt payment up to \$250,00 a year for 15 years. He asked that Council consider raising hotel/motel taxes from 3% to 5% as allowed by law and to provide 3% (or \$550,000 per year) of that tax to the Development Authority. He felt that over time the Development Authority would be able to reduce its reliance on the City's funding, but they needed assistance to complete the development and help the Tennis Center reach its full potential.

McMenamin asked if the Development Authority had been in contact with the residents of Planterra Ridge to advise them of their expansion plans. Godfrey said they had. A citizen from the audience said they were very pleased with the

communication that had taken place.

Brooks said he was aware that some residents had concerns about ensuring adequate buffering was provided for the parking lot.

McMenamin believed the City had a very low hotel/motel tax rate. Tennant agreed. He said he traveled extensively and that hotel/motel taxes were usually much higher. He also supported the tax increase because people traveling to Peachtree City would be responsible for paying the tax and that it should not affect the local residents.

Brooks agreed. He said people in Peachtree City loved the outdoors and recreation activities. He said they expected a high level of service and that the City should continue to consider unconventional methods of generating revenue to provide those services. He felt Godfrey's presentation was humble and that they had a world-class facility that had put Peachtree City on the map. He said he knew people who actually moved to Peachtree City because of the Tennis Center. He supported the tax increase and expansion plans. He said it would not be subsidized by the taxpayers but would provide additional benefits.

Lenox felt that the Tennis Center and the Amphitheater were both set up to run like a business except for the fact that they did not have a goal to make a profit. He said they were public facilities and the fee structure should be such that the services were assessable to the public. There was no action taken.

02-01-02 Charter Revision

Rick Lindsey, City Attorney, reviewed the draft revisions to the Charter. Fritz said she had asked what the process would be to make the changes, but that she never received a clear answer. Lindsey said that the proposed section of the Charter concerning the City Manger's position would probably need to go through the General Assembly. He said a resolution to add that section would need to be presented in the next three weeks if the change were to occur this year, but that he was waiting on someone from the Office of Legislative Council to confirm the procedure. He felt the rest of the changes to the Charter could be made locally after properly advertising and holding two public hearings. After reviewing the proposed changes and receiving direction from Council for further revisions, Lindsey asked that he be given the opportunity to make the revisions and present them to Council at the meeting on March 1st, for final discussion prior to holding the public hearings. Lenox made a motion to take a brief recess. McMenamin seconded the motion. Motion carried unanimously.

02-01-03 Pay Plan Appeal – City Clerk

Lenox opened the floor for Council discussion of the City Clerk's pay plan appeal. Fritz said she and Lenox had met one time and reviewed the issues and did not come to a conclusion; however, she said Lenox did agree to approve one of the factors and then later changed his mind. She said since then, everything was put on hold and the appeal was not going anywhere. She said that since Lenox had made his decision not support the appeal, she would like input from the rest of Council.

Lenox said had spent many hours studying the issue, the factors and the entire system. He said an internal appeal had changed the rating from 2120 to 2605, and that Faulkner had appealed three specific factors from that 2605 rating. Lenox said he went back and reviewed all of the ratings and said that he felt it should be rated slightly lower than 2605. He said the City spent a lot of money to hire competent professionals and he was pleased with their performance. He also felt City staff had been doing a remarkable job because no employee has ever filed an appeal such as this. He said all of the other appeals were adjudicated without complete agreement but with understanding that overall the city had done a fair job. He did not want to imply that he was dissatisfied with Faulkner's job performance, because she was going a good job, but he was concerned about the structure and nature of the job.

Tennant clarified for the public that this was not being discussed in Executive Session because it was not really a personnel matter, but rather a discussion about the function of the position. He said it had nothing to do with the person in the position, but what the actual job was worth.

Fritz said that after their meeting, Faulkner had sent an e-mail that the Council may want to consider. Brooks said they received a copy, but he felt compelled to accept the expert advice of the consultant. He said the position was initially rated lower because the consultants did not receive adequate information, but after it was provided to them, they took it into consideration and reclassified the position. He felt that it was Council's job only to make sure the consultant received all of the information, and they did. But, he felt Council was now being asked to evaluate different opinions about that information. He also noted that the salary range for the City Clerk's position was increased by 23% and felt Council should defer to the expert's judgment.

McMenamin agreed with Brooks. She said the study was done and it resulted in

a significant increase in pay for the position. She said they were not talking about job performance. She noted that the salary range for City Clerks varied throughout the state, and felt that all of that was taken into consideration.

Brooks said the City Clerk compared her position to that of City Planner, but he felt that since Peachtree City was a planned community, the City Planner's position was somewhat atypical and did not reflect the same position on other communities. In fact, he felt that four to five years in the future, the salary range for the City Planner would be out of range. Fritz said Faulkner had done a lot of research on the issue. She asked how the position of City Planner compared to other cities? Lenox said it was a different structure.

Tennant said he had given the issue much thought and had done much soul searching because he wanted to do what was fair and reasonable. He said it was incumbent on each of them to eliminate any thinking about the individual in place or her personality. He believed there was a genuine disagreement on the value on the position. He believed that the nature of the job was sensitive and the demands were significant. He also felt that the time requirement to perform in an effective manner was substantial. Therefore, he supported the appeal and the higher ranking.

Brooks asked if Tennant thought that undermined the integrity of process. Tennant said it did not undermine the process, but did call the consultant's judgment into question. He said it was not a black and white decision for him, but he felt the consultant was not perfect, there was some subjectivity involved. He did feel that a 22.8% increase in pay was substantial, but he felt there was some gray area involved in the classification of the position. He felt if they made a mistake, it should be to pay more for the position to make certain the City had the highest qualified candidate in the position.

Fritz felt there are some factors that should be awarded and that the position should be rated somewhere in between.

For the benefit of the public, Faulkner pointed out that Council had failed to mention she had made the statement several times that she did not file the appeal to increase her salary. She said she had no problem leaving her salary where it was, but that she was really appealing the factors and rating of the position, because she wanted it to be placed properly within the City's structure. She felt the pay plan had been used as a method to demote her position.

Lenox said his decision had had nothing to do with performance or personality,

but to follow the rules they established. He said the process worked exceptionally well for 220 employees and very few employees had problems with the process.

Brooks said they were all struggling with the decision. He said he was not an expert, but they hired experts. He was concerned about the reaction of other employees if the structure was undermined.

Lenox made a motion that the City Clerk's pay plan appeal be denied. McMenamin seconded the motion. Motion carried with Fritz and Tennant opposing.

COUNCIL/STAFF TOPICS

Lenox made a motion to adjourn. Tennant seconded the motion. Motion carried unanimously and meeting adjourned at 9:30 p.m.

Nancy Faulkner, City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: City Council
FROM: Nancy Faulkner 
VIA: City Manager 
DATE: January 29, 2001
SUBJECT: Alcohol License – Change - Don Pablo's

A request for a change in the Licensee and License Representative has been submitted for Don Pablo's.

Mr. Lansing Patterson has requested to be appointed as the Licensee, and Mr. Alfred Bishop has requested to be appointed as the License Representative.

Mr. Bishop will attend the meeting on February 15th to answer any questions you may have.



CITY OF PEACHTREE CITY
151 WILLOWBEND ROAD
PEACHTREE CITY, GA 30269
(770) 487-7657

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Business Name: Don Pablo's	Business Location: 100 Market Place Blvd Peachtree City, GA 30269	C138947
Nature of Business: Mexican Restaurant	Mailing Address: HANCOCK @ Washington Madison, GA 30650	Business Phone Number: 632-9000 706-342-4552
Name of Licensee: Lansing Patterson	Home Address: 1021 melissa Dr. Watkinsville, GA	Home Phone Number: 706-
Name of License Representative: Alfred Bishop	Home Address: 138 Summer gum Place Peachtree City, GA 30269	Home Phone Number: 678-364-8374

Please indicate type of licenses applying for:

Retail Consumption Dealer		Retail Package Dealer		Wholesale Dealer	
☒	Malt Beverage	☐	Malt Beverage	☐	Malt Beverage
☒	Wine	☐	Wine	☐	Wine
☒	Distilled Spirits	☐	Distilled Spirits	☐	Distilled Spirits

Please complete information below (use separate sheet if necessary):

NAME	ADDRESS	PHONE NUMBERS
Individual Owner's Name, Partners' Names, Corporation Name and the name of the name of a Contact Person regarding License Changes, Taxes, etc.	Contact Please provide Home Addresses for the individuals listed:	Please provide Home and Business Phone Numbers for individuals listed:
Alfred Bishop	138 Summer gum Place ^{Peachtree City} GA 30269	678-364-8374
Glenda Ross	HANCOCK @ Washington ^{Madison} GA 30650	706-342-4552

Is any person who owns an interest in the license an employee of the City of Peachtree City? **NO**



AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION WITH THE CITY OF PEACHTREE CITY

I, LANSING Suhr Patterson (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit..

My address is: 1021 Melissa Dr. Watkinsville, GA 30677. I have resided at this address for: 2 years and months. My previous addresses for the last 10 years are as follows: 1071 Eugene Lane, Madison, GA 30650 1992-1998 / 741 Jasper St. Madison GA 30650 1989-1992.

Social Security #: 250-80 6645 Driver's License #/State: 250806645
Date of Birth is: 6/10/57 Race: W Sex: M

I have have not within 5 years prior to this application, been convicted of, (or entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

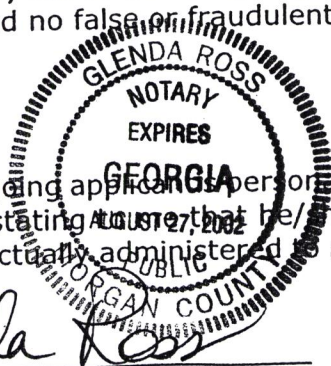
I have have not ever been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application.

(Attach a separate sheet if necessary.)

I have have not ever had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. **(Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.)** If so, please describe in detail. Attach a separate sheet if necessary:

I am am not the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.



[Signature]
SIGNATURE OF APPLICANT

I do hereby certify that the foregoing application was personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC:

Glenda Ross

This 10th day of Nov., 2000.



**AFFIDAVIT AND CRIMINAL HISTORY CONSENT FORM
FOR ALCOHOLIC BEVERAGE LICENSE APPLICATION
WITH THE CITY OF PEACHTREE CITY**

I, Alfred Erwin Bishop (PRINT FULL NAME), swear that I am at least 21 years of age and am competent to provide this affidavit.

My address is: 138 Sweetgum Rd. I have resided at this address for: _____ years and 4 months. My previous addresses for the last 10 years are as follows: 5102 Watlington Rd. Greensboro, NC 27405 and 735 Spivey Mt Rd #22 Asheville, NC

Social Security #: 462-92-2254 Driver's License #/State: 26627485 NC
Date of Birth is: 4-22-58 Race: W Sex: M

I have ~~have not~~ within 5 years prior to this application, been convicted of, (or entered a plea of nolo contendere to) any felony or misdemeanor relating to the sale/use of alcoholic beverages or illegal drugs.

I have ~~have not ever~~ been ever arrested for a crime. If so, details below and the disposition of the arrest are listed below. I understand that failure to disclose any arrest (including DUI's) may result in denial of the application.

(Attach a separate sheet if necessary.)

I have ~~have not ever~~ had beneficial interest in any other alcoholic beverage business in this or any other state in which the alcohol license was denied, revoked or other disciplinary action taken. (Beneficial interest here means when a person holds the license in his own name or when he has a legal, equitable or other ownership interest in, or has any legally enforceable interest or financial interest, or derives any economic benefit from, or has control over a business.) If so, please describe in detail. Attach a separate sheet if necessary:

I am / ~~am not~~ the applicant for license representative. If so, I swear that I am a manager of the business and a resident of the State of Georgia.

I have read the Peachtree City Ordinance regarding the sale of alcoholic beverages and I understand and will comply with the rules and regulations. I hereby authorize the PEACHTREE CITY POLICE DEPARTMENT to receive any criminal history record information pertaining to me, which may be in the files of any state or local criminal justice agency. I solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for city license for sale of alcoholic beverages are true, and no false or fraudulent statement or answer is made herein to procure the granting of such license.

SIGNATURE OF APPLICANT

I do hereby certify that the foregoing applicant is personally known to me, that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered to me, has sworn that said statements and answers are true.

NOTARY PUBLIC: Claire Rogers

This 26 day of January, 2001.



Peachtree City

Georgia

State of Georgia

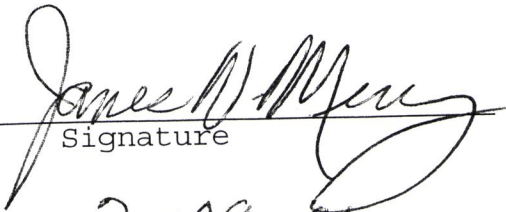
City of Peachtree City:

I, Chief of Police James V. Murray, for the City of Peachtree City, do hereby certify that:

Alfred Erwin Bishop
Name

138 Sweetgum Rd. Peachtree City, GA 30269
Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.


Signature
2-09-01
Date

Major Mike Dupre
Witness



Peachtree City

Georgia

State of Georgia

City of Peachtree City:

I, Chief of Police James V. Murray, for the City of Peachtree City, do hereby certify that:

Lansing Suhr Patterson
Name

1021 Melissa Dr. Watkinsville, GA 30677
Address

has been investigated and found not to have been convicted of, nor to have entered a plea of nolo contendere, to any felony or misdemeanor relating to the sale or use of alcoholic beverages or illegal drugs within five (5) years prior to the date of the application for this license.

James V. Murray
Signature

2-09-01
Date

Mayor Mike Dwyer
Witness

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk

VIA: City Manager 

DATE: February 8, 2001

SUBJECT: Golf Cart Safety Restraints and Litter from Fast Food Restaurants

Mr. William Aleshire has requested to be placed on the agenda to discuss golf cart safety restraints for children and litter from fast food restaurants.

Mr. Aleshire's memos concerning the issues are attached, as well as additional information from staff.

To Peachtree City Council
Subject..... Golf Cart Safety Restraints for Children

Peachtree City has installed approximately 80 miles of Golf Cart Paths And that is wonderful for those that use them, running, biking and with Golf Carts. However, it seems that the drivers love to take their children-babies Out for a ride to enjoy the out of doors, to go to the store, to the bank to the sWheretore but with total disregard for the babies and young children safety. This is only a golf cart, Where is that child, where is that baby in the lap of the driver, between them and the steering wheel., Why they love the child of course. There doesn't seem to be any age limit to the drivers— young mothers, Teen agers, grand mothers and grand fathers. No thought of child seat restraint as is required in power packed automobiles.

What happens to the driver nothing but grief, what happens to the baby or Child, CRUSHED BY THE STEERING WHEEL.

I have been in touch with all the dealers of carts in the area and they are reluctant to alter the carts because that will void the manufactures warranty. I have written to E-Z Go, Yamaha and Club Car and the only one that replied was Club Car. It is up to this community to take a stand and require restraints to be utilized on carts if children are being transported. It may mean more government interference in our lives, then so be it.

Attached is copy of a letter from ,Director of Product Safety,Justin BrehmThe Dept of Transportation NHTSA # 49 CFR Part 571 provides a clear explanation what our community can do as far as SAFETY STANDARDS are concerned. The golf Carts are governed by those that may be utilized both on the golf course and on the roadways in this type community.

I urge the council to provide the law enforcement body the regulations to control safety use of the golf carts on the cart paths and roadways. I believe that there is a regulation covering the speed of the golf carts as was evidenced by the introduction of the BOMBARDIER, INC. golf vehicle and the regulation imposed upon it. (See page 21) Of the NHTSA report.

William >Aleshire
307 Morgans Turn
PTC Ga. 30269
Phone: 770-487-5805
"E Mail" w307bird@aol.com

TO : Peachtree City Council

Subject : Trashing of Golf Cart Paths and Streets
Via the fast Food take out

This is a beautiful community and the majority of residents both adults and Teen agers are responsible citizens keeping those items they enjoy from the fast food establishments and disposing of them in the containers the city provides.

You have attempted to correct this unsightly problem but it hasn't been corrected. The fast food people have basically kept their areas picked clean but the surrounding paths and streets are still being trashed. Volunteer are attempting to clean up but we still have the problem.

In a former community I lived in we had the same problem with the Proliferation of the fast food restaurants. It was solved by the threat of a tax on all carry out food stuffs in the fast food establishments to pay for the increase cost of workers cleaning up streets etc. The local council gave the restaurants the option of providing their own clean up force or imposing the tax to perform the function. It worked.

Each of the establishments formed a clean up squad of their own and their own trucks and picked up the trash early every morning. That is still going on 25 years later.

I believe that the council could induce the restaurants to provide the means or let the city do it and pay the added tax imposing it on their customers.

William J. Aleshire
307 Morgans Turn
PTC Ga 30269 Phone 770-487-5805
"E Mail " w307bird@aol.com



Golf, Transportation and Utility Vehicles

Club Car, Inc.
Post Office Box 204658
Augusta, Georgia 30917-4658
(706) 863-3000
Fax (706) 860-7231

January 14, 2000

William J. Aleshire
307 Morgans Turn
Peachtree City, GA 30269

Ref: Seat Belt Use on Golf Cars

Dear Mr. Aleshire:

Per your letter of December 30, 1999, Club Car does not offer or recommend the use of seat belts on our vehicles. Our vehicles, when initially manufactured and shipped, have no occupant protection (i.e. roll bar, rigid roof, etc.) from a possible vehicle rollover. Occupants strapped to a seat in a rollover situation would be more susceptible to injury.

Cabs are sold separately, and when installed, would provide occupant protection from rollover. With cabs installed, seat belts could be utilized. When cabs are not installed, seat belts should not be used.

I am enclosing a copy of the Federal Motor Vehicle Safety Standard (NHTSA, DOT 49 CFR 571.) It is the final ruling responding to the use of golf cars in retirement and other planned communities. It outlines the industry's position with regard to this matter.

If I can be of any further assistance, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Brehm", with a large, stylized initial "J" and "B".

Justin Brehm
Director Product Safety
Club Car, Inc.

Enclosures

CLUB CAR
INGERSOLL-RAND

Wm.J. Aleshire

307 Morgans Turn
Peachtree City, Ga.
30269

Email w.yellowbird@mindspring.com

December 30,1999

Mr Justin Brehm, Dir. Safety
Club Car, Inc.
P.O Box 204658
Augusta, Ga. 30917-4658

Ref: Golf Cart Child Restraints

Dear Mr Brehm;

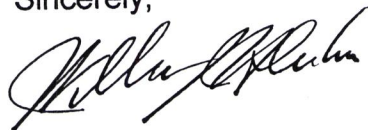
In accordance with my phone call to your office covering the subject Matter, a group of concerned citizens are planning to approach the City council to pass an ordnance that would require a child restraint System the same as in automobiles.

I am sure that you are aware of the 80 miles of golf cart paths and the number of golf carts in this community. They are used from running to the store, the bank, church , joy ridding, and even playing golf. As the number of carts increase so has the accident rate. Mothers holding babies in their laps between the steering wheel and the resulting accident would be a crushed baby, a child sitting on the back seat and the driver turning a curve in the road a child unrestrained thrown out of the cart.

We are planning to contact each of the cart manufactures asking for their ability to provide the dealers with child restraint capability. Your company has always been a leader in the field and I certainly hope that your company will take the necessary steps to provide this to the public. The dealers have made some provision already to put seat belts in some carts.

I look forward to hearing from you without delay. I also wish you and yours and the company a most joyous and successful new year.

Sincerely,



Email w.yellowbird@mindspring.com

Mr James Dickson, Director saftey
E-Z-Go Corp.
1451 Marvin Griffin Blvd.
Augusta, Ga. 30906

Ref: Golf Cart Restraints

The subject matter is of great concern to a group of citizens here in Peachtree City. We plan to approach the city council to pass an ordinance that would require a child restraint system the same as in automobiles.

I am sure that you are aware of the 80 miles of cart paths in this community. The carts are used for running to the store, the bank, church, joy ridding and even golf. As the number of carts increase, so has the accident rate. Mothers holding their babies in their laps between the steering wheel and the resulting accident would be a crushed baby, a child sitting on the back seat and the driver turning a sharp curve in the path and an unrestrained child thrown thrown out of the cart.

We are planning to contact each of the cart manufactures asking for their ability to provide the dealers with child restraint capability. Your company has always been a leader in the field and I certainly hope that your company will take the necessary steps to provide tis to the public. The dealers have made some provision already to place seat belts in some carts.

I look forward to hearing from you without delay. I also wish you anbd yours and the company a most joyoius and successful new year.

Sincerely,



POLICE DEPARTMENT

153 Willowbend Road • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

TO: MAYOR AND CITY COUNCIL
FROM: CHIEF JAMES V. MURRAY
DATE: FEBRUARY 6, 2001
SUBJECT: GOLF CART SAFETY ISSUES

Please find attached to this memo a synopsis of the Department Of Transportation Federal Motor Vehicle Safety Standards for golf carts. This was developed in response to a growing interest in using golf carts in planned communities with golf courses. In recent years, a majority of states allowing the use of golf carts have set a broad range of conditions dealing with the safe operation of these carts. A few of the major points to examine are the following:

1. That requiring seat belts in golf carts may result in a liability issue for the city according to the city attorney.
2. Restricting children from riding on the laps of drivers could help reduce the chance of a serious injury.
3. Requiring helmets for children riding in carts will help prevent injury.

I hope the attached document will allow you to have a better understanding of the issues surrounding safety requirements and the use of golf carts. I am also available to answer any additional questions you might have in regards to this matter.

CC: City Manager



POLICE DEPARTMENT

153 Willowbend Road • Peachtree City, Georgia 30269 • 770-487-8866 • Fax: 770-631-2512



JAMES V. MURRAY
Chief of Police

STATUS REPORT ON THE NATIONAL HIGHWAY TRANSPORTATION SAFETY ADMINISTRATION 571.500 STANDARD 500

This synopsis of Standard 500 will only consider golf carts that are designed to go 20 mph or less. The golf carts that are sold in Peachtree City for use by our residents are designed by the major manufactures to travel 15 mph. Although some may go faster traveling down an incline, NHTSA based their tests and information on golf carts driven on level ground. Under current NHTSA regulations, so long as golf carts are incapable of exceeding 20 mph, they are subject only to state and local requirements regarding safety equipment. However, if these vehicles are manufactured so they can travel faster than 20 mph, they are treated as motor vehicles under Federal law, and must comply with the Federal Motor Vehicle Safety Standards.

To resolve this conflict, small 4-wheeled motor vehicles with top speeds of 20 to 25 mph are now reclassified as "low speed vehicles" or LSV. These low speed vehicles are now subject to a new Federal Motor Vehicle Safety Standard No. (500) (49 CFR 571.500). The standard requires them to be equipped with headlamps, stop lamps, turn signals, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

Most golf carts in Peachtree City are "Conventional golf carts", meaning either a fleet golf cart or a personal use golf cart. These golf carts **can** be modified by individuals to increase the speed of the cart. If the speed ability of the cart rises above 20 mph, the cart would be required to have all of the safety equipment listed above. This would be a rare case, if it even exists at all. The "Neighborhood Electric Vehicle" or NEV has already been evaluated by Peachtree City. It is my understanding the City will only allow the NEVs that are equipped to travel 15 MPH or less on the path system.

The City of Palm Desert has an extensive golf cart usage rate. They implemented a golf car transportation plan. Under that plan, there are three classes of golf car facilities:

- 1: Class I Golf Cart Path-completely separate from road and for use by golf carts and pedestrians only.
- 2: Class II Golf Cart Lane- marked on public road with posted speed limits up to 45 mph (the separate lane is designated by striping), for use by golf carts and bicycles only.
- 3: Class III Golf Cart Route- public roads with speed limits of 25 mph or less (the route is identified by placing Golf Cart Route signs along the roadways). They are for shared use.

For our use we need to focus on the "Class I Golf Cart Path", as it is closest to the paths in Peachtree City. NHTSA has performed crash tests on golf carts, but they were not equipped with seat belts. The most considerable danger noted was from a rollover at speeds up to 20 mph. According to NHTSA, there were 16 on-road golf car fatalities over a five year period beginning in 1993, an average of three per year. In 2000, Peachtree City had ten golf cart accidents, resulting in four injuries. This statistic may be misleading, as most golf cart accidents and minor injuries may never be reported to the police.

In 1997, the National Golf Car Manufacturers Association (NGCMA) stated that 100% of it's fleet vehicles adhered to the standard of 15 to 20 mph. This would exclude these carts from Standard 500. However, by excluding fleet and personal carts from the standard's applicability, NHTSA emphasizes that it has not decided, or implied, that these vehicles should not be subject to any safety regulation by state or local authorities. State and local jurisdictions may continue to adopt such safety equipment requirements as they deem appropriate for vehicles, including golf carts, with a maximum speed of 20 mph or less.

Although we may be permitted to require additional safety equipment, according to NGCMA:

"Such a requirement in a golf cart as presently manufactured is not necessarily going to provide increased safety to occupants but may enhance the risk of injury or even death if the occupant is restrained in the vehicle by a seat belt assembly upon rollover. Engineering consensus is seat belts on golf carts are inappropriate as is the case with motorcycles, ATVs, snowmobiles and personal watercrafts. An optional passenger roof may be affixed to a golf car for weather protection, but roofs so installed do not comply with standard roll over protection criteria.

Golf carts are equipped with a standard hip or hand hold restraint located towards the outside of the seat. However, the hand hold does not prevent the occupant from jumping or leaping out of the golf car to avoid further injury if the golf car is about to roll over. For this reason, NGCMA submits that in lieu of a seat belt requirement for golf cars, a hand or hip restraint should be required."

In NHTSA's judgment, the final rule **will not** affect golf carts that do not exceed 20 mph. Should a golf cart be modified to have a top speed capability of 20 to 25 mph, it would then be subject to Standard No. 500. This added cost of the safety equipment is estimated by local dealers at \$400.00.

Recommendation

The National Highway Traffic Safety Administration allows state and local governments to require extra safety equipment, to include seat belts. However, it is not mandatory. The major suppliers of golf carts in the city, Golf Rider and Golf Cart Sales and Supply, do retrofit golf carts with seat belts for approximately \$50.00 per set. Bulldog Supply does not.

Rule number 500 will not apply to the majority of golf carts in Peachtree City as they typically travel less than 20 mph. Our ordinances already require headlights, taillights and brake lights. Age limits are also in place. Recommending golf carts to be fitted with seat belts may be an alternative for the city. However, if it was mandatory, the city would be taking on an enormous amount of liability according to City Attorney Rick Lindsey. There is no ordinance limiting speeds of golf carts. An ordinance could be drawn up requiring a golf cart that is operated on the paths of Peachtree City only have the ability to travel 20 mph. Although it would be hard to confirm a golf cart's ability, it would help protect the city from liability. This ordinance should also include a provision prohibiting children from riding on the laps of passengers, especially the driver. Even in a minor crash, the child could be crushed between the adult and the steering wheel.

Another aspect that needs to be considered is the use of child passenger seats on golf carts. If we do not recommend seat belts, there is no way to encourage the use of child safety seats. We must leave it up to the common sense of parents if they choose to use a child safety seat and the manner in which they attach it to the golf cart. Older children should be encouraged to wear helmets when riding unrestrained in a golf cart, as 90% of all serious injuries to children are head injuries.

No mode of transportation is without risk. Compared with other modes of transportation, golf carts are relatively safe. It is the manner in which they are driven that may make them dangerous. Common sense and safe driving habits are the only sure way to reduce accidents.

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February 9, 2001

Mr. Jim Basinger
City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

re: Golf Cart Safety Restraints

Dear Jim:

You requested that I provide a legal analysis and opinion of whether the City has the authority to require the use of safety belts or other safety restraints for use in golf carts. I have been told that there are no "approved" belts for golf carts and I have been told that some or all of the manufacturers will void their warranties if such devices are attached to the carts. I have not researched the facts to determine if either of these statements are true, but for the purposes of this letter, I will assume those statements to be true.

In exercising its authority over the health, safety, and welfare of its citizens, the City probably has the authority to require the use of safety devices in golf carts. I have not researched the laws of this state or of the other states to determine if this question has arisen in another locality. The courts of this state, however, have held that the legislature has the authority to require the use of helmets for motorcyclists. Some motorcyclists have argued that the law is an infringement on their rights to be free from unwanted government interference. The courts have disagreed and held that the state has a legitimate interest in protecting its citizens' safety. Thus, using the same legal analysis, the City would have the authority to require the use of safety devices for occupants of golf carts. If you want me to conduct further research into this area, I will be happy to do so; however, before I spend the City's money in conducting such research please let me discuss another area which gives me great concern.

Since there are no "approved" seat belts or other such devices for golf carts, the City places itself at great risk for being liable if a safety device fails or if a safety device actually causes an injury. Unless there is sufficient data available for review by engineers and other

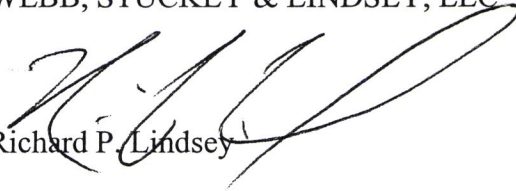
Mr. Jim Basinger
February 9, 2001
Page 2

professionals and unless sufficient tests are conducted to determine the appropriate design and efficacy of such safety devices, the City, through enacting an ordinance requiring the use of certain safety devices, will assume the responsibility that the safety devices are properly designed and that the devices actually work to reduce the number of injuries. The costs of obtaining this information is most assuredly high. Without such information, I must advise against the adoption of such an ordinance. Should this information become available, then the City might want to reconsider such an ordinance.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC



Richard P. Lindsey

RPL:

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and City Council
VIA: City Manager 
FROM: Public Services Director 
DATE: February 6, 2001
SUBJECT: Current Peachtree City Litter Program

Currently, the Public Works Department has two full time employees on the Right-of-Way Crew dedicated to litter removal. During 2000, the Cart Path Crew, Landscape Crew and the Right-of-Way Crew spent a total of 5,709 hours picking up litter. The Public Works Cart Path and Right-of-Way Crews spend Mondays and Fridays picking up litter.

The City implemented a City Litter Program in the summer of 1999 which consists of the following:

1. Publish monthly litter articles in the Update.
2. Solicited cooperation from fast food establishments to be responsible for picking up litter on cart paths near their facilities.
3. Distributed litter bags to citizens at City Hall and Library.
4. Distributed litter bags to children during School tours of the Police.
5. Solicited participants for Adopt-A-Mile and Adopt-A-Path monthly in Update.
6. Enforce litter laws through the Police Department.

The Adopt-A-Cart Program participants (individuals and groups) increased 104% during 2000 from twenty-eight to fifty-seven. Also, the Adopt-A-Mile Program participants (individuals and groups) increased 23% during 2000 from seventy-five to ninety-two.

CWH:lg

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February 9, 2001

Mr. Jim Basinger
City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

re: Fast Food Litter Ordinance

Dear Jim:

You requested that I provide a legal opinion concerning whether the City has the authority to charge a tax against our local fast food restaurants to compensate the City for the costs of cleaning up the trash along the roads and cart paths. The legal issues that are raised in this situation are equal treatment under the law and uniformity of taxation. Additionally, I will need to determine if the City has the legal authority to enact such a tax. Our ability to levy taxes is strictly construed and I am presently not familiar with any area of the tax code which would give us this authority; however, if the City Council wishes for me to conduct further research into this area, I will be happy to do so.

In conducting a nation-wide search for similar laws, we found that the City of Sausalito, California has enacted a surcharge on its business licensing fees for all businesses which sell "take-out" food. This surcharge was upheld by the California intermediate appellate court. The State of New Jersey has enacted a state law which levies a tax on the sale of "litter-generating products." I am sure there are other similar ordinances in the country, but our research was limited to case law and state statutes. Unless a local ordinance has been challenged all the way to an appellate court, our research would not find it.

The Sausalito approach is probably not available to us. Under the Georgia law, we do not issue business licenses - we charge an occupational tax. There are many constraints under the occupational tax code which will probably prevent us from charging a higher fee to only fast food restaurants. The New Jersey approach is one which is most likely available to our state legislature, but not available to us. However, the New Jersey approach appears to be more

defensible than the Sausalito approach since all "liter-generating products" are taxed, not just products from the fast food restaurants.

Even if Georgia law gives us the right to pass such a tax, we will still remain vulnerable to an attack based on the equal protection provisions of the state and federal constitutions. If this tax is going to be passed, we will need to collect enough data on the sources of the liter to defend against such an attack. That data does not presently exist.

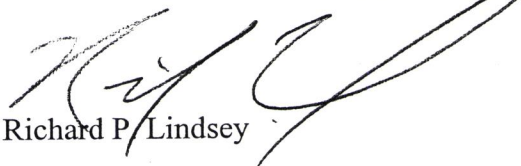
Finally, if we pass such an ordinance, we will have to defend against a "personal responsibility" attack. Unless we have information that the fast food restaurants are discarding the trash inappropriately so that it is ending up on our roads and cart paths, then we must assume that the true problem lies with the individuals who purchase the food products and then carelessly or obnoxiously throw the liter in the streets. The fast food restaurants will surely argue that since the sale is completed, they no longer own the bags and paper but have sold them to their customers. It is the customers who have not taken the appropriate personal responsibility to properly dispose of the trash.

If City Council desires to pass an ordinance levying a tax on the fast food restaurants for liter, then I will need additional time to further our research into this area and the City will need additional time to collect the necessary data to support such a tax.

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC



Richard P. Lindsey

RPL:

To Peachtree City Council
Subject..... Golf Cart Safety Restraints for Children

Peachtree City has installed approximately 80 miles of Golf Cart Paths And that is wonderful for those that use them, running, biking and with Golf Carts. However, it seems that the drivers love to take their children-babies Out for a ride to enjoy the out of doors, to go to the store, to the bank to the sWhereore but with total disregard for the babies and young children safety. This is only a golf cart, Where is that child, where is that baby in the lap of the driver, between them and the steering wheel., Why they love the child of course. There doesn't seem to be any age limit to the drivers— young mothers, Teen agers, grand mothers and grand fathers. No thought of child seat restraint as is required in power packed automobiles.

What happens to the driver nothing but grief, what happens to the baby or Child, CRUSHED BY THE STEERING WHEEL.

I have been in touch with all the dealers of carts in the area and they are reluctant to alter the carts because that will void the manufactures warranty. I have written to E-Z Go, Yamaha and Club Car and the only one that replied was Club Car. It is up to this community to take a stand and require restraints to be utilized on carts if children are being transported. It may mean more government interference in our lives, then so be it.

Attached is copy of a letter from ,Director of Product Safety,Justin BrehmThe Dept of Transportation NHTSA #49 CFR Part 571 provides a clear explanation what our community can do as far as SAFETY STANDARDS are concerned. The golf Carts are governed by those that may be utilized both on the golf course and on the roadways in this type community.

I urge the council to provide the law enforcement body the regulations to control safety use of the golf carts on the cart paths and roadways. I believe that there is a regulation covering the speed of the golf carts as was evidenced by the Introduction of the BOMBARDIER, INC. golf vehicle and the regulation imposed upon it. (See page 21) Of the NHTSA report.

William >Aleshire
307 Morgans Turn
PTC Ga. 30269
Phone: 770-487-5805
"E Mail" w307bird@aol.com

TO : Peachtree City Council

Subject : Trashing of Golf Cart Paths and Streets
Via the fast Food take out

This is a beautiful community and the majority of residents both adults and Teen agers are responsible citizens keeping those items they enjoy from the fast food establishments and disposing of them in the containers the city provides.

You have attempted to correct this unsightly problem but it hasn't been corrected. The fast food people have basically kept their areas picked clean but the surrounding paths and streets are still being trashed. Volunteer are attempting to clean up but we still have the problem.

In a former community I lived in we had the same problem with the Proliferation of the fast food restaurants. It was solved by the threat of a tax on all carry out food stuffs in the fast food establishments to pay for the increase cost of workers cleaning up streets etc. The local council gave the restaurants the option of providing their own clean up force or imposing the tax to perform the function. It worked.

Each of the establishments formed a clean up squad of their own and their own trucks and picked up the trash early every morning. That is still going on 25 years later.

I believe that the council could induce the restaurants to provide the means or let the city do it and pay the added tax imposing it on their customers.

William J. Aleshire
307 Morgans Turn
PTC Ga 30269 Phone 770-487-5805
"E Mail " w307bird@aol.com

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

FROM: City Clerk

VIA: City Manager 

DATE: February 8, 2001

SUBJECT: Fayette F.A.C.T.O.R

Mrs. Tane Wilson, Collaborative Coordinator for the Fayette F.A.C.T.O.R, has requested to be placed on the agenda to give a brief presentation of their organization's mission.

The Fayette F.A.C.T.O.R. is a local chapter of a statewide organization, The Family Connection, that was launched in5 response to data reporting that Georgia ranked 47th in the well-being of children and families. Their mission is to coordinate resources and bring all areas of the community together to improve the lives of Fayette County's children and families.

A brochure about their organization is attached for your information.

What FACTOR Means to Fayette County

F.A.C.T.O.R. is part of the Family Connection strategy in Georgia. It is a community-based approach to improving the lives of Fayette County's children and families. The Family Connection works towards solutions through grassroots planning and consensus. Its methods involve collaboration among people, agencies, businesses, families, and institutions from the community. This will include assessment of Fayette County's strengths as well as opportunities to better the lives of our citizens. Our goal is that all Fayette children will grow up to become productive, contributing members of society.

Through F.A.C.T.O.R., public and private leaders and organizations from Fayette County join state representatives to pioneer local decision-making and locally relevant strategies that respond to child and family needs. Through F.A.C.T.O.R., services are better coordinated, agency staff can be shared, and resources are pooled and aimed at achieving results.

As a community collaborative, we will strive to utilize the strength of all community leaders to prepare a vision and mission statement, implement strategies with benchmark objectives to insure success in achieving our community's goals to improve the lives of all citizens in our community.



FAYETTE F.A.C.T.O.R.:

**FAMILY ALLIANCE
COORDINATING TEAMWORK,
OUTREACH AND RESOURCES**

*Making a Difference for Fayette
County and its Families*



The Family Connection and Georgia Policy
Council for Children and Families

**For more information or to get
involved, please contact:**

**Tane Wilson, Collaborative
Coordinator**

(7 7 0) 4 8 6 - 7 3 2 0

Fayette F.A.C.T.O.R.

**Fayette County Administrative Office
140 Stonewall Ave. W-Rm 205
Fayetteville, GA 30214**

The Family Connection Strategy

In the early 1990's, the Annie E. Casey Kids Count data reported that Georgia ranked 47th in the well-being of children and families. This low ranking mobilized policy makers, service providers, business leaders, local grantmakers, and other citizens to devise strategies to work together for positive results. A major community strategy, The Family Connection, was launched. Now 154 of 159 counties involve public and private leaders, citizens and parents, to work together to pioneer local decision-making and develop services that focus on well-being for Georgia families and children through this effort.

The purpose of The Family Connection is to have healthy, educated and nurtured children, families and communities. One way this is accomplished is through strong local and state collaboration in the areas of Systems Change, Service Strategies, Results Accountability, Governance and Financing Strategies. Mirroring Georgia's Family Connection communities, the state collaborative partners include Georgia Departments of Human Resources, Education, Medical Assistance, and Juvenile Justice and the Office of School Readiness among others.

All Family Connection Communities target specific areas in which improved results are expected and develop accountability measures. While each Family Connection Community pursues its own vision for its children and families, the communities focus on five critical areas targeted in 1996 by the Georgia Policy Council for Children and Families:

Vision Statement

Fayette County is a safe community characterized by a network of resources that has:

Families who are nurturing,

Children who are well cared for,

Youth who own a sense of belonging and purpose,

Senior citizens who are well cared for, respected, and involved.

All with an understanding and appreciation of our county's past, present, and future.

Mission Statement

The mission of Fayette F.A.C.T.O.R. is to coordinate resources and to bring all areas of the community together. To build a strong, healthy and safe Fayette County through education, application, and practice.

Steering Committee

Jill Holmes Long, *Chair*

Cynthia Grant, *Health Departments*

Ann Ricker, *Extension Service*

Bernice Wassell, *Pt-Commission On Families & Youth*

Pam Young, *YMCA*

Pete Nelms, *Fayette EMS*

Julia Simpson, *School District*

Kristi Davis, *United Way*

Richard Fehr, *Health Department*

Paula Fish, *DFCS*

Laura Fuller, *Juvenile Justice*

Curtis George, *DFCS*

John Hamblen, *Braelinn Baptist*

Dee House, *DFCS*

Lisa Reeves, *DFCS*

Chris Valley, *Families First*

Merle Crowe, *Health Department*

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††Texas

February 9, 2001

Mr. Jim Basinger
City Manager
City of Peachtree City
151 Willowbend Road
Peachtree City, Georgia 30269

re: Solicitation in the Roadways

Dear Jim:

You have asked me to look at the state law regarding the right of people to solicit money in the streets in the City. Earlier, I had given you an opinion that we could not prevent such activity along the state highways located in the City without the passage of an ordinance which would forbid all groups from doing so. In other words, the City cannot selectively allow one group to solicit while preventing another group. Even though I was and am correct on the law regarding selectively enforcing such a ban, I was incorrect in my analysis of the state law.

We presently have the right to prevent all solicitations on the highways of the city. The term "highway" is defined to include all streets. Furthermore, the state law defines highways to include all of the right-of-way not just the paved portion of the street. This right of prohibition is strictly construed by the courts and the prohibition does not include political campaigning or the distribution of literature while standing in the roadways. However, the right to solicit funds in the roadways is forbidden for everyone **unless** the City passes an ordinance allowing such activity. If the City Council wishes to pass such an ordinance, then the Council should set some criteria on the extent such activity which will be permitted. This criteria will have to be very carefully considered and the ordinance narrowly drawn so that we do not infringe illegally on any rights.

Mr. Jim Basinger
February 9, 2001
Page 2

Best regards.

Sincerely,

WEBB, STUCKEY & LINDSEY, LLC


Richard P. Lindsey

RPL: