MINUTES OF MEETING
City Council of Peachtree City
February 3, 1994
7:00 p.m.

The City Council of Peachtree City met in regular session on Thursday Night February 3, 1994 at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those in attendance in the pledge of allegiance. Present were Mayor Robert Lenox, Councilmembers Annie McMenamin, Edward Bradford, Robert Brooks and Caroline Price.

No items were added to the agenda.

Announcements, Awards, Special Recognitions

Mayor Lenox presented a plaque to Ms. Joanne Sterne in recognition and appreciation of her ten years of service as the Peachtree City representative to the Fayette County Board of Health.

Mayor Lenox presented plaques to Mr. Tim Kaigler and Mr. Conrad Boterweg in appreciation for their service to the Recreation Commission.

Department Reports

Mayor Lenox stated that Department Reports would be available for review at the next City Council meeting.

2-94-1 <u>Consider Resolution supporting local legislation exempting golf carts from Personal Property Tax</u>

Mayor Lenox stated that the item to consider a resolution supporting local legislation exempting golf carts from Personal Property Tax would be made as a public comment item.

Mayor Lenox stated that he would give a background history on the golf cart issue and the events leading to the registration of golf carts, and stated that Council had letters from Representative Dan Lakly, and Fayette County Commission Chairman, Steve Wallace, which would be read. Mayor Lenox stated that the City Attorney would speak on the legal basis for the tax and then the floor would be opened to the public for discussion.

Mayor Lenox stated that the background went back to the summer of 1992 when the City received an unusually high number of complaint calls about golf cart safety on the streets and paths of the City, concerning speeding of carts, underage drivers and a lack of consideration by cart users. Mayor Lenox stated that in response to the complaints, on October 5, 1992 he sent a letter to the Recreation Commission and asked them to initiate the process that would lead to any changes they would recommend in the golf cart ordinance. Mayor Lenox stated that on October 16, 1992, the Recreation Commission held a public hearing and an entity called the Golf Cart Safety Committee was formed, which consisted of representatives of the city, senior citizens, recreation commission, and citizens at large. Mayor Lenox stated that the committee had done extensive work and held meetings on December 10, 1992, January 14, 1993 and February 12, 1993. Mayor Lenox stated that the golf cart safety committee had made a brief presentation to the Council at it's annual retreat in which Council gave them feedback and they did further work. Mayor Lenox stated that the committee reported back to the Recreation Commission on April 19, 1993 when a public hearing to consider their proposed ordinance was held. Mayor Lenox stated that at the time the golf cart issue was a heated topic and that while not all committee members agreed on every issue the one issue they were unanimous on was that golf carts should be registered.

Mayor Lenox stated that the City Council then conducted a public hearing on May 6, 1993 at which there was much public comment. Mayor Lenox stated that after the public hearing the ordinance was sent back to staff to be re-drafted for adoption at the meeting on May 20, 1993. Mayor Lenox stated that on Friday afternoon May 14, 1993, Frances Meaders, Director of Administrative Services, received a call from the Fayette County Tax Assessor, indicating that they would like to have a list of golf cart registrations. Mayor Lenox stated that Frances Meaders had contacted him immediately at his business office about the call and Mayor Lenox stated that he was quite upset. Mayor Lenox stated that he thought about it over the weekend and that staff had several meetings on Monday due to the Council meeting on Thursday in which the ordinance was on the agenda. Mayor Lenox stated that he and staff made a decision that right or wrong they were going to enact the ordinance provided Council agreed. Mayor Lenox stated that during the meetings they had discussed five items that were: the fact that in the past the Tax Assessor had made no attempt to tax carts, there was no guarantee they would come for the list but it was likely, Staff and Council were 98% of the way through a long public process to arrive at what Staff and Council considered an ordinance that was required for the safety of citizens, golf cart safety had become an emotional issue and that one item agreed upon was that they had to be registered if anything was to be done, and finally it was concluded that if the tax issue was made a matter of record at the Council meeting the tax assessor would have very little choice but to tax carts immediately. Mayor Lenox stated that the ordinance was passed and that had led to the issue now before Council.

Mayor Lenox stated that he felt there were four separate issues that warranted discussion and consideration. Mayor Lenox stated first, that if everyone had known from the beginning that the carts would be taxed, for safety reasons alone he would have voted to pass the ordinance. Mayor Lenox stated that the second question was if the City fairly prepared and presented all the facts and Mayor Lenox stated that they had not, that Council had made an error. Mayor Lenox stated that Council should have thought about the tax question at the beginning but that they had not and he apologized to the public. Mayor Lenox stated that the third concern was that he regretted that the situation could cause the citizens not to trust the Council as they always have. Mayor Lenox stated that the fourth issue was how Peachtree City would be perceived as a community by others. Mayor Lenox stated that Peachtree City was well known and watched and that many would like to see the City stumble. Mayor Lenox stated that he was proud of Peachtree City and hoped that during discussion a solution to the tax item could be found. He closed by apologizing for the oversight concerning taxes and asked Frances Meaders to read the letters from Mr. Steve Wallace and Mr. Dan Lakly, who were not able to attend, into the record.

Ms. Meaders read both letters into the record of the meeting in which both supported a tax exemption for golf carts.

City Attorney Rick Lindsey, came forward and stated that the personal property tax law had been in effect since 1969, but that personal items valued at less than $500 were exempted. Lindsey stated that the Tax Assessor was accountable to the State for the taxes and that she was bound by the State to attempt to collect the tax. Lindsey stated that last year the Assessor was required to assess a tax on livestock in the County. Lindsey stated that only through legislature could an exemption for golf carts be made.

State Senator Skin Edge came forward and stated that the personal property tax was a serious issue and that the golf cart issue was a symptom. Senator Edge stated that the General Assembly had two types of legislation, local and state and that the golf cart exemption would need to be handled through the State legislature. Senator Edge stated that a committee had been formed to study the overall tax structure of the State and that personal property tax would be addressed within the structure. Senator Edge stated that he believed a bill would be introduced to amend the law concerning household property and to amend the statute to raise the amount of personal property taxable from $500 to $3,000 or $5,000. Senator Edge stated that if the bill was introduced and passed that could solve the immediate problem for golf carts. Senator Edge stated that any legislation would need to originate in the House of Representatives and Senator Edge told Mr. Lakly that he would have his full support. Senator Edge stated that Mr. Lakly would be speaking with the head of the Ways and Means Committee and urged Council to adopt the resolution to support the legislation.

Mayor Lenox invited the public to make comments.

Residents that came forward to voice their concerns about the tax and discuss alternatives were: Mr. Chuck Andrews, Ms. Charlotte Glass, Mr. Jack Super, Mr. Bob Konrad, Mr. Jim Crumley, Mr. Bill Anton, Ms. Sally Satterthwaite, Ms. Karen Hallman, Mr. Tim Cheely, Mr. Tom Helvey, Mr. John Jesus, Mr. Philip Mandoler, Mr. Bob Grove, and Mr. Christy Jindra.

Ms. Charlotte Glass, 313 Legacy Lane, came forward and stated her concern about taxes that serve no purpose. Ms. Glass stated that she had been in contact with Mr. Wayne Proctor, who was instrumental in getting the used car sales tax exempted, and stated that he was willing to meet with City officials to offer another solution to the problem. Ms. Glass stated that it would involve a court proceeding. Mayor Lenox stated that he would be interested in speaking with Mr. Proctor.

Several of the residents stated that during the public hearings residents had questioned whether there would be a tax on carts. Some of the residents stated that they could put a value on their cart of less than $500 to avoid the tax.

Mr. Howard Nordlund came forward and stated that he was a member of the Golf Cart Safety Committee that drafted the ordinance, that he was present at all meetings and the question of taxes was never brought up. Mr. Nordlund stated that he was proud to live in Fayette County and stated that the value of the carts would be known by the Assessors Office and urged citizens to be honest and pay the tax.

Councilmember Brooks stated that if the tax was local it would not be imposed but that there was a State law in effect which required the Assessor to try to collect the tax. Brooks stated that Peachtree City did have a low City tax rate and that it was unfortunate that the City had to take measures to control safety concerning golf carts. Brooks reported that the Police Chief had stated that the number of accidents had fallen, therefore the ordinance had helped to ensure safer conditions for residents.

City Attorney Rick Lindsey stated that there could be severe penalties involved if residents did not turn in their assessment form.

Mayor Lenox stated that each resident needed to made a personal decision on the value of their cart, stated that the residents needed to obey the laws of the State and then work with the City to change the law.

A resident came forward and asked how soon the legislation could be started and Councilmember Bradford stated that he was prepared to introduce a resolution to send to Representative Lakly. Senator Edge stated that he could not guarantee that the legislation would be passed during the current session as it was already underway but that he would certainly be willing to try and would bring it back next year if needed.

Ms. Glass told Mr. Edge that he could talk with Mr. Proctor and Senator Edge stated that he would be happy to meet with Mr. Proctor and would have no problem with working through the court as well as with the Legislature.

Councilmember McMenamin asked Ms. Glass if Mr. Proctor would be willing to speak to the City as a group and asked Ms. Glass to work with the City Manager to set a time for a meeting.

A resident asked if the Assessor could be asked to defer the tax while the process is ongoing. McMenamin stated that the Assessor was duly obligated to collect the tax.

Lenox stated that it was a valid question to ask the Assessor if it could be deferred on the basis that it was done on reliance of a 1969 Attorney General opinion that had not been court tested and may or may not have credibility.

McMenamin asked City Attorney Jim Webb if we could appeal this and Webb stated that a legal action would have to be filed and have a determination.

Councilmember Bradford made a motion to adopt the resolution of support to exempt golf carts from personal property tax and read the resolution. Brooks seconded the motion. Bradford amended the motion to say "personal golf carts" as opposed to "golf carts".

Brooks suggested that the County be approached to put the tax on hold to re-evaluate the situation and Mayor Lenox asked staff to print the status of the legislation in the UPDATE to keep citizens informed.

City Attorney Jim Webb stated that if Council would like to direct him to do so he could ask for another Attorney General's opinion. Senator Edge stated that he would hand deliver a letter to the Attorney General for the Council. Webb stated that he did not believe that an opinion from the Attorney General would be controlling on the Tax Assessor but felt it would be persuasive. Motion carried unanimously.

2-94-2 <u>Consider Bid - Public Works Facility Expansion Design</u>

City Manager Jim Basinger stated that the City had solicited price proposals from three architectural firms for the design of an expansion to the existing public works facility and that the proposals were as follows:

Cobb Associates	$10,750.00
Haines Gipson	23,250.00
Foley Designs	24,150.00

Basinger stated that due to the difference between the Cobb proposal and the other bids, the staff met with Mr. Cobb and discussed the scope of services in detail. Basinger stated that Mr. Cobb understood what needed to be done and was confident that he could do the work for the proposed price. Basinger stated that it was staff's recommendation that the City award the design contract to Cobb Associates in the amount of $10,750.00 and stated that there were sufficient funds in the Public Improvement Program.

McMenamin asked what other jobs Cobb Associates had done for the City and Basinger stated that they were doing the Senior Citizen Center and had done the Fire Station expansion.

Brooks made a motion to award the bid to Cobb Associates in the amount of $10,750.00. McMenamin seconded the motion. Motion carried unanimously.

There being no further business to come before Council, Lenox made a motion that the meeting be recessed to be reconvened in executive session to discuss a legal matter. McMenamin seconded the motion. Motion carried unanimously.

Executive Session

Motion was made by Mayor Lenox and seconded by Price that the negotiated settlement by the City Attorney of a pending lawsuit be approved. Motion carried unanimously.

Motion was made by Brooks and seconded by McMenamin that the Mayor be authorized to approve the documents for liability concerning the composting site.

Motion was made by McMenamin and seconded by Brooks that the meeting be adjourned at 9:20 p.m. Motion carried unanimously.

Angie Stevens

Angie Stevens, Asst. City Clerk

Robert L. Lenox

Mayor

Attest