

City of Peachtree City
Minutes of Meeting
October 17, 2002
7:00 p.m.

The City Council of Peachtree City met Thursday, October 17, 2002, 7:00 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown announced that Joseph McIntosh of the Recreation Department had been selected as the Employee of the Month for September.

Brown recognized Lt. John Anderegg of the Police Department as the Supervisor of the Quarter for the third quarter.

Brown presented Financial Services Director Paul Salvatore with the Georgia Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the 2001 fiscal year.

Approval of Minutes

Rapson moved to approve the minutes of the August 22, 2002 Special Called Meeting with the Airport Authority as amended. McMenamin seconded. The motion carried unanimously.

McMenamin moved to approve the minutes of the August 22, 2002 Special Called Meeting with the Development Authority. Tennant seconded. The motion carried 4-0-1 (Rapson).

McMenamin moved to approve the minutes of the September 5, 2002 Regular Meeting as written. Rapson seconded. The motion carried unanimously. McMenamin noted that Council recognized Bob Lancette for his service to the community band during this meeting and Lancette recently died. Council sent their condolences to the Lancette's family.

Weed noted he had been unable to attend the September 10, 2002 Special Called Meeting due to a prior commitment and moved to approve the minutes as amended. Rapson seconded. The motion carried unanimously.

McMenamin moved to approve the minutes of the September 19, 2002 Special Called Meeting (7:30 a.m.) minutes as written. Tennant seconded. The motion carried unanimously.

Rapson moved to approve the minutes of the September 19, 2002 Special Called Meeting (6:30 p.m.) as amended. Weed seconded. The motion carried 4-0-1 (McMenamin).

McMenamin noted she was unable to attend the meeting due to a family medical emergency and asked that her absence be noted in the minutes.

Rapson moved to approve the minutes of the September 19, 2002 Regular Meeting as amended. Weed seconded. The motion carried 4-0-1 (McMenamin).

McMenamin moved to approve the minutes of the September 26, 2002 Special Called Meeting as written. Rapson seconded. The motion carried unanimously.

Weed noted the record should reflect he was not at the September 10 meeting and should not have voted on the minutes; however, he could not abstain from the vote at this point.

Monthly Reports

Brown announced that City Hall would be closed on November 28-29 for Thanksgiving. Building permit fees collected were ahead of 2001 collections. The Police answered 54,884 calls year to date 2002. Last year, the Police had answered 44,636. The Fayette County Jail Fund was down significantly. Year-to-date, \$51,161 had been spent to house prisoners compared \$74,839 last year. Business taxes, licenses, and permits were up over 100%.

Consent Agenda

- 1. Update Alcohol Beverage Tax Ordinance**
- 2. Update of Hotel/Motel Tax Ordinance**
- 3. Adopt GDOT Utility Accommodation Policy and Standards**
- 4. Approve Deed Covenant on Drake Field, Phase 1**
- 5. Approve Budget Amendment Relative to Drake Field Acquisition**
- 6. Approve Appointment to the Fayette County Board of Health**
- 7. Approve Sale of City Property –Skateboard Ramp ½ Pipe**
- 8. Execute Right-of-Way Deeds for Highway 54**

Brown noted there was not an advertisement for someone to fill a vacancy on the Fayette County Board of Health. Tom Bowman had been appointed to fill an unexpired term, which only lasted several months. Brown said Bowman had done an excellent job and was qualified for the position. Brown explained that Bowman had just had enough time to “get his feet wet,” and a decision was needed to see if Council was willing to let Bowman fulfill an entire term.

Rapson said, for the record, he asked the City Attorney Rick Lindsey if he should vote on Items 4 and 5 since they were related to the Development Authority. Rapson said Lindsey assured him there was no conflict, but that Rapson should make a public statement.

McMenamin moved to approve the Consent Agenda Items 1-8. Rapson seconded. The motion carried unanimously.

Old Agenda Items

09-02-08 Public Hearing – Charter Change Relative to City Attorney and City Solicitor Position

Brown explained that Council needed to vote on the charter change during this meeting, and then again on the charter change at the November 7 meeting.

Tennant moved to approve modifications to Section 2.15 of the City's Code of Ordinances to reflect the changes written in the Council book. Rapson seconded.

Rapson clarified that the proposed change would give Council the flexibility to hire either one attorney as City Attorney and Solicitor, or the ability to separate it into two positions. Rapson said he was in favor of the proposed change.

The motion was approved unanimously. The next public hearing on the proposed charter change was scheduled for the November 7 meeting.

02-02-10 Discuss Additional Changes – Golf Cart Issues (to discuss 15 year-old driving after dark, penalties, liability insurance)

Brown noted the specific issues for discussion included whether or not there should be restrictions on 15 year-olds driving after dark, penalties, and liability insurance. Brown said he wanted to see if there was interest in forming a task force of insurance professionals to investigate the possibility of mandating golf cart liability insurance for everyone.

McMenamin said she requested the agenda item because she was concerned about penalties and restrictions for 15 year-olds with learner's permits. She knew there had been difficulties in some areas with attention to the laws of the road. McMenamin continued that she had spoken to Police Chief Murray at great length and asked Council to delay any discussion for about six months, until March, to give Chief Murray and McIntosh Resource Officer Alan Reeves an opportunity to do some education with the young people. McMenamin said that time would allow the Police time to come back to Council with specific problems and issues.

Brown added that over 200 golf cart spaces were created in the McIntosh High School parking lot at a minimal cost. McMenamin commended Alan Reeves for coming up with the suggestion for creating the parking spaces. She said the parking area was workable for the school and the Petrol Point businesses. Brown added that Officer Reeves was working on some education at the school and was making announcements in the morning regarding proper rules of the road and cart paths. He was also working on brochures for the students that covered the rules.

Brown asked Council if they would be interested in discussing mandatory golf cart insurance. The members agreed. Tennant pointed out that many residents were under the misconception that their golf carts were covered under their homeowners' insurance, but that was rarely the case unless there was a special rider attached to the policy.

Kathy Cheney told Council her family's insurance company did not know whether to ensure their golf cart under the house or car insurance, so for eight years the golf cart was covered under both policies. Cheney continued then they had a child run over by their parked golf cart. She pointed out that Tennant's son had been involved in the same type of incident. In their case, the transportation costs were \$20,000, including the LifeFlight to Eggleston and the Lear jet ambulance that took the child home to Miami in a full-body cast. In addition, the medical costs included three days at Eggleston and eight weeks of follow-up care. Because they were covered by liability insurance, the medical costs were not a problem for her family. Tennant had a different situation when his child was run over by a cart that was not covered by insurance. The LifeFlight bill of \$8,000 was not paid because the owner did not want to take financial responsibility. Cheney pointed out liability insurance protected the owner of the golf cart as well as the person who was injured.

Brown directed City Clerk Jane Miller to compile a list of local insurance professions who would be willing to work on a liability task force. Brown said he was told the liability laws were different for people under the age of 13, and 12 year-olds were allowed to drive with parents and grandparents. He wanted to ensure the task force had that information. McMenamin added that her insurance company covered 15 year-olds with learner's permits under the parents' policy, but did not cover teens without learner's permits. She felt they needed to watch a lot of the requirements.

Rapson agreed that it would be good to wait for six months before discussing the issues, but pointed out there might be people attending who wanted to speak and should have the opportunity.

Robert Brown asked Council if the liability issue was a solution in search of a problem. He said he had no problem with a task force, but wanted the task force to look at how much of a problem it was. He asked how many times liability insurance had been an issue in golf cart accidents and how often there were significant costs associated with accidents. If there were only a few instances, then mandating liability insurance for golf carts would just be an additional tax. He continued that liability insurance should be a personal responsibility based on the owner's ability to handle the cost.

Tennant commented that was a legitimate argument and Council was not interested in creating unnecessary expenses on anyone. Tennant continued that, based on conversation with many residents, most people were ignorant of the facts regarding insurance on their golf carts. Most people assumed their golf carts were covered either by their car or homeowners' insurance. Tennant felt it was prudent for golf cart owners to invest in insurance. He noted car insurance was mandated by the state and it would be prudent for the City to investigate mandatory insurance for golf carts.

Debbie Condon said those were not the only two incidents involving golf carts. She recalled that her family got insurance shortly after they got a golf cart. The insurance was \$10 annually. Within a year, her husband was driving the golf cart and her 10 year-

old nephew was leaning over to get his head away from headlights coming from the opposite direction. He fell out and had a concussion. He was rushed to the emergency room and spent a week in the hospital. Condon said the insurance premium was the best \$10 they had spent. She expressed concern that it would be prudent to require liability insurance and said it was well worth looking at.

Kevin Cheney said his liability insurance for the golf cart was \$44 every six months. He said he would like to see the issue of night driving for 15 year-olds taken off the docket. He continued that the issue went back to convenience. Council's job was to provide a safe community and provide conveniences for the residents – the conveniences of going to functions as well as helping parents. Cheney said he had heard only positive things about 15 year-olds, not complaints. Another part of Council's job was safety. He would rather his son drive a golf cart on the winding paths in a controlled, safer environment. By the time a young driver was on Peachtree Parkway, they would have a year's experience of driving at night on the cart paths.

Brown noted for the record there had been complaints. He said most of the people identified the drivers as 15 year-olds, but clarified there was no way to prove the drivers were 15 and not 16. Rapson agreed. He felt the 15 year-olds were getting a bad reputation. There had always been a parking problem on Prime Point and 175 golf carts meant there were not another 175 cars on the road. Rapson said there might be some issues to deal with after the six months were up.

McMenamin said she asked that night driving be put on the agenda and pointed out there were issues that needed to be addressed regarding night driving. Driving golf carts was a privilege for 15 year-olds. A lot was expected of them and she was asking that they perform to the best of their ability during the day and at night.

Lieutenant Anderegg told Council that Chief Murray could not attend the meeting due to the Police Academy graduation and had asked him to discuss the issue. Obviously, there was a growing period when a new law was in place. The Police Department had received a large number of complaints. The Chief brought up the six-month period so things could settle down and they could see where the median was. Anderegg, noting this was his personal opinion, commented that a golf cart had the same crash dynamics as a Model T Ford. There were no seatbelts or crumple zone, and a 15 or 20 mph crash could be very traumatic. The accidents were also very traumatic to the responding personnel. Chief Murray wanted to stress that golf carts were considered motor vehicles and rules of the road must be followed. The Police were currently writing warning tickets for violations for the 15 year-olds, but in the future tickets would be issued and would go on their state driving records. The tickets could result in a teen not getting a driver's license until age 18. Anderegg said the main premise behind the six-month period was to see how things worked out after training and education.

McMenamin felt the education and training would be helpful, especially since she did not think the teens realized the ramifications of running a stop sign or other traffic violation.

Anderegg said he did not have any statistics, but there were a large number of serious injury golf cart accidents and the use of LifeFlight was common, especially on the hill known as "Suicide Hill." Anything that could be done would be beneficial.

09-02-17 Approve Nuisance Abatement Ordinance

Weed recalled that Council approved the ordinance in concept at the September 19 meeting. The City's current ordinance did not reflect the most current version under state law, which was found under Section 41-2-5. Weed noted that the City currently used the SBCCI code and the maximum time frame for compliance and action could be up to 245 days. The maximum time frame under the proposed ordinance was 45 days. Weed said the ordinance was another tool to put in the tool chest to try to resolve problems with unfit structures in the City. Weed continued that he discussed the matter with the City Engineer and the Code Enforcement staff and they were very supportive.

Brown moved to approve the ordinance to create a new chapter 51 for nuisance abatement in the City's Code of Ordinances as written. Rapson seconded.

Tennant thanked Weed for his efforts and said the ordinance was well thought out and presented and would add to the value of the City's homes. Rapson said some teeth had been added to the ordinance and problems would go away faster.

City Clerk Jane Miller noted for the record that when the ordinance was converted from WordPerfect to Word the numbering and lettering was incorrect. She said the copies of the ordinance in the meeting books were incorrect as far as the numbering and lettering. The verbiage, however, was correct. The ordinance that would be signed by Council after the meeting had correct numbering and lettering.

Brown modified his motion to approve the new Chapter 51 Nuisance Abatement with the amendments of numbering and lettering. Rapson accepted the amendment. The motion carried unanimously.

New Agenda Items

10-02-01 Public Hearing – Rezoning – 355 Highway 74 North

Brown reported that the applicant had withdrawn this request and the project would probably go back to the Planning Commission with some changes.

10-02-02 Public Hearing – Rezoning – Stephen Tract, Highway 74 South

Brown reported there had been a lot of conflicting information on this particular item and there were some things to work out. Brown moved to continue the 10-02-02 agenda item to the November 7 meeting to give time to rectify some of the problems. Tennant seconded.

McMenamin asked for more explanation regarding the conflicting information. Brown explained that the Planning Commission had approved the rezoning request based on the fact the subdivision would be an "empty nest"-type of development; however, the

homebuilder did want to commit to build that type of project. Bob Adams, the builder, said he planned to build the type of homes the market called for in the area. Brown said that was different from what the Planning Commission thought and the matter needed to be straightened out. He continued that the Educational Impact Statement from the Board of Education also contained some errors. The person who usually completed the statement was out on sick leave and the person who completed the form did not provide the correct numbers.

Rapson asked City Planner David Rast to get with the Airport Authority for the members' input. The Airport Authority had expressed a desire to look at the wording in the deed covenants. The subdivision was under the flight path into Falcon Field. Rapson said he would like to have the wording when Council looked at the rezoning. McMenamin said she talked to a member of the Airport Authority that day and the member said the Authority did not want to take any action on the rezoning. Rapson agreed the Airport Authority did not want to take official action, but was interested in having input on the wording of the deed covenants. Brown suggested that the language in the Planterra covenants could be modified for this subdivision. McMenamin said the Authority member asked if Council would be willing to make the language in the deed covenant a requirement, and McMenamin said she told him she was sure Council would insist it be a requirement.

Weed suggested to Rast that the builder and the applicant be kept in the loop to guarantee fairness and allow them the opportunity to answer questions.

McMenamin asked if it was necessary to send the project back to the Planning Commission. Brown said that was one of the issues staff would look at and added that the Planning Commission had believed the majority of the homes would be the "empty nester" style. Rapson said he also had questions he wanted Planning Commission to address concerning the commercial component of the project. He pointed out that that was in contradiction to the land use plan.

The motion carried unanimously.

Council/Staff Topics

Brown said a Council Member was needed to serve on the Recreation Commission selection committee. Tennant volunteered. Rapson previously volunteered to serve on the Airport Authority selection committee and Weed had volunteered for the Water and Sewerage Authority selection committee. Brown would also serve on the three selection committees.

Halterman reminded Council that the Employee Picnic was scheduled Friday, October 18, 11:30 a.m.-1:30 p.m., at Shakerag Knoll.

Weed told those attending the meeting that he had formally asked the City Attorney for an opinion in September 2002 on whether he could be involved in reviewing and voting

on the City Attorney appointment since his former law firm had applied for the position. On September 24, the City Attorney replied and said Weed would be allowed under the City's ethics ordinance. The City Attorney recommended Weed do three things. The first was to note publicly that Weed was not expecting any further money or any other thing of value from Fincher & Hecht, LLC, or Steven M. Fincher, PC. Secondly, Weed had already indicated his former employment with Steven M. Fincher, PC, and Fincher's business relationship with Greg Hecht in the firm of Fincher & Hecht, LLC. Weed was employed by Steven M. Fincher, PC and was never formally employed by Fincher & Hecht, LLC. Weed said he would be able to maintain a state of impartiality and had no conflict of interest in reviewing the application of Fincher & Hecht, LLC, or any other application filed for City Attorney. Weed said all of the applications for the position had been in his office since September and he had not touched them. The applications were in the care of his secretary and he now intended to break the seal and look over the applications. Weed submitted his letter and the City Attorney's letter to be included in the official meeting file.

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

Tennant moved to recess out of executive session and reconvene the regular meeting. Weed seconded. The motion carried unanimously.

There being no further business to discuss, Tennant moved to adjourn the meeting. Weed seconded. The motion carried unanimously. The meeting adjourned at 8:25 p.m.



Jane Miller, City Clerk



Stephen D. Brown, Mayor



Pamela Dufresne, Recording Secretary