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# COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Planning & Zoning/Community Dev.

Department Head: Peter A. Frisina

Presenter, if needed: P. Frisina/Phil Mallon/Bryan Woodie

Preferred Meeting Date: Thursday, July 24, 2008

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Sec. 10-42. Street Authorization to be added in its entirety as presented by Planning & Zoning, Public Works, and the Sheriff's Office. (Renumber existing Sec. 10-42. to 10-43. and renumber remaining Sections.)

Background/History/Details:

This issue was discussed at the B.O.C. Retreat in November, 2007. Staff has received inquiries about approving County streets which are not located in a platted/recorded subdivision for golf cart usage. To date, all streets authorized for golf cart use have been within a platted/recorded subdivision with the exception of Quarters Road within the boundaries of Highgrove S/D and a portion of Huiet Drive within the boundaries of WaterLace S/D. Staff has been researching this issue and is now ready to present their findings, including an addition to the Fayette County Code, Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts. On 07/02/08, the B.O.C. instructed Staff to prepare the proposed amendments.

Amendments to the Fayette County Code of Ordinances do not require a public hearing.

What action are you seeking from the Board of Commissioners?

Final discussion and subsequent action.

If this item requires funding, please describe:

N/A

Has this issue come before the Commissioners in the past? Yes

If so, when? Wednesday, July 2, 2008

Do you need audio-visual for the presentation? No

Back-up Material Submitted? Yes

## STAFF USE ONLY

Approved by Finance? Yes

Reviewed by Legal? Yes

Approved by Purchasing? Yes

Approved by Administrative Staff? Yes

Staff Notes

Administrator's Approval Yes

Confirmed Meeting Date Thursday, July 24, 2008

- ○ Recognition/ Presentation
- ○ Public Hearing
- ◉ Old Business
- ○ New Business
- ○ Consent
- ○ Report
- ○ Other

**D. Discussion of recommendations for golfcart usage on County streets as presented by Planning and Zoning, Public Works, and the Sheriff's Office. This item was last discussed during the Board of Commissioners' Retreat held in November 2007.**

Captain Brian Woodie of the Fayette County Sheriff's Department– Traffic Division, Director of Public Works Phil Mallon, and Mr. Pete Frisina discussed this item with the Board. Mr. Frisina gave brief introduction of this item including a description of what roads currently were permitted to allow golfcart usage, the problems that prompted this discussion, and some criteria used to determine if a road is safe for golfcart use. The criteria spoken about by both Mr. Frisina and Captain Woodie were that no golfcarts would be allowed to use a County road if that road had a speed limit that exceeded 35 miles per hour or had a grade exceeding seven percent. Captain Brian Woodie next gave some explanation about the criteria used to determine the safety of a road for golfcart usage and enforcement problems encountered by the Sheriff's Department concerning the roads. He informed the Commissioners that the Sheriff's Department would prefer that golfcarts not be permitted on any road simply from a safety perspective, that the Sheriff's Department would not recommend golfcarts on roads that exceed the parameters as discussed, and the Sheriff's Department would not want the County to approve a golfcart to be used on County roads unless there was some legal mechanism in place for the Sheriff's Department to conduct speed enforcement on those roads. Some discussion followed regarding what roads could be authorized, difficulties encountered by changing the speed limits on roads, golfcart crossings on County roads, and subdivisions with access to Peachtree City's golfcart path system. There were further questions on whether a road should be authorized for golfcart usage if one person on a street wanted usage but everyone else did not. Chairman Smith said he understood the safety aspect of the situation but that while it seemed to him the Sheriff's Department was saying it did not want golfcarts on County roads they were also saying if there is a reasonable litmus test that could be applied using the parameters as discussed, the assumption of risk would be reasonable to undertake. Captain Woodie said the issue could be looked at from that perspective but added that the Sheriff's perspective was to determine how to charge a person in the event of a fatal crash, if that person could be charged with a felony or misdemeanor. He said the Sheriff's Department did not want golfcarts on a road because they are inherently dangerous, but it also realized that demand will continue to rise due to escalating gas prices and the lure created by people driving their carts through Peachtree City. The consensus of the Board was for County Attorney Scott Bennett and staff to review the County's current code regarding golfcart usage and to bring recommendations back to the Board which are both comprehensive and meet all legal requirements. The Board then directed staff to return to a Thursday night meeting for enactment of the recommendations.

Fayette County GEORGIA

*Where Quality Is A Lifestyle*

To: Board of Commissioners

From: Pete Frisina, Phil Mallon, Bryan Woodie

Date: June 17, 2008

Subject: Demand for Golf Cart Usage in Unincorporated Fayette County.

The demand for golf cart usage in unincorporated Fayette County is growing among the public. Since Peachtree City was developed on the concept of golf cart accessibility, there has been a demand demonstrated for subdivisions in close proximity to Peachtree City wanting access into Peachtree City via a golf cart. Woodcreek and Jefferson Creek Subdivisions access Peachtree City through the Preserves Subdivision (Peachtree City) located on Redwine Road. Timber Lake Subdivision has accesses to Peachtree City through their recreation area. High Grove Subdivision also accesses Peachtree City through Timber Lake Subdivision with a path along Redwine Road connecting High Grove to Timber Lake.

The County allows golf cart use on roads that have been authorized by the Board of Commissioners. This regulation (Ordinance 95-10) was adopted on April 27, 1995. The majority of roads authorized for golf cart use are interior subdivision streets. The only exceptions have been portions of existing County Roads that are fully within the boundaries of a subdivision. These roads include Quarters Road within the boundaries of Highgrove Subdivision and Huiet Drive within the boundaries of Waterlace Subdivision.

We are now getting inquiries for golf cart use on roads which are not within a subdivision. For example, residents of The Landings Subdivision are requesting that a portion of Sumner Road be approved for golf cart use. Sumner Road runs from unincorporated Fayette County into Peachtree City. It is legal to use a golf cart on the Peachtree City portion of Sumner Road. Peachtree City allows golf carts on streets with a speed limit of 35 miles per hour or less unless there is a designated golf cart path in close proximity that can be used instead of a road. According to Mr. M.G. Flynn of The Landings, arrangements were made for residents of the subdivision in 2001 to access Sumner Road through two lots in the subdivision and the Coweta-Fayette EMC property located at the intersection of SR 54 and Sumner Road. In the summer of 2006, the County placed signs at the entrance of subdivisions approved for golf cart use stating that golf carts were not allowed beyond that point. The residents of The Landings Subdivision stopped accessing Sumner Road with golf carts at that time.

Staff (Planning and Zoning, Public Works, and Sheriff's Office) has researched the issue of allowing golf cart use on streets outside of a subdivision and, of course, the major issue is safety. Although the use of a multi-use path is always preferred and should be provided wherever feasible, staff believes the risk associated with golf carts on public roads can be minimized if the following minimum conditions are met:

- Golf cart usage should be limited to Local streets, as indicated on the Fayette County Thoroughfare Plan;
- The posted speed limit should be 35 mph or less;
- The 85$^{th}$ percentile speed should not exceed the posted speed limit by more than 16 mph, as determined by studies performed by the Sheriff's Office;
- The minimum grade of the road should not exceed seven percent; and,
- The minimum sight distance at any location along the road should meet or exceed 200 feet.

In addition to verifying these conditions are met, Staff would also consider any other existing conditions particular to the street in the recommendation. Following a request by property owners, Staff would prepare a report and recommendation to the Board of Commissioners.

The suggested change to the Fayette County Code is as follows:

*Fayette County Code*
*Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts, Section 10-42. Street Authorization*

*Sec. 10-42. Street Authorization*

*(a) The Board of Commissioners may designate authorized streets upon its own initiative or by request from a private citizen for the use of motorized carts. The Board of Commissioners may consider issues including, but not limited to, the street classification, posted speed limit, speed characteristics of the street as determined by studies, maximum grade of the road, minimum visibility distance, or any other existing conditions particular to the street in their designation of an authorized street. The Board of Commissioners may condition approval of the designation subject to safety measures on the street including, but not limited to, the reduction of the posted speed limit, additional signage/markings, and traffic calming devices to improve safety.*

In the situation where conditions change over time on a street authorized for golf cart use making it too dangerous, the County would be faced with two options. The first option would be to remove the street form the authorized list discontinuing golf cart use. The second option would be to reduce the posted speed limited and/or implement additional signage/ markings and traffic calming devices to improve safety.

**10/2007 – Discussed at B.O.C. Retreat**
**07/02/08 – BOC Workshop**

Staff's additions to the current ordinance are indicated in **bold, underline**, and ***italics***.
Sec. 10-42. Street Authorization – added in its entirety

**Fayette County Code**
**Chapter 10. Motor Vehicles and Traffic, Article III. Motorized Carts**

***Sec. 10-42. Street Authorization***

***(a)*** ***The Board of Commissioners may designate authorized streets upon its own initiative or by request from a private citizen for the use of motorized carts. The Board of Commissioners may consider issues including, but not limited to, the street classification, posted speed limit, speed characteristics of the street as determined by studies, maximum grade of the road, minimum visibility distance, or any other existing conditions particular to the street in their designation of an authorized street. The Board of Commissioners may condition approval of the designation subject to safety measures on the street including, but not limited to, the reduction of the posted speed limit, additional signage/markings, and traffic calming devices to improve safety.***

Renumber Sec. 10-42. Operation of gasoline-powered carts to be renumbered to Sec. 10-43. and renumber remaining Sections.