



CITY OF  
**Swainsboro**  
*Crossroads of the Great South*



GEORGIA

**City Council Meeting**

**February 04, 2015**

The regular meeting of the Mayor and City Council, held Monday, February 04, 2015 at 6:00 P.M. at Swainsboro City Hall

**Members Present:** Edenfield, Stroud, Collins, Parker, Stafford, & Faulkner

**Members Absent:**

**Prayer of Invocation:** Rev. Tommy Roundtree

Motion to accept minutes from the previous meeting was made.

**Motion: by Stafford Seconded: by Stroud 6-0**

Mayor Schwabe presented the Our Town Hero for the Month of February 2015. He has been a long time resident of Swainsboro and gives many hours of community service. He has served as the Chairman of the Downtown Development Authority for the past few years and has given of his time to make Downtown Swainsboro a better place. The February 2015 Our Town Hero is Jerry Cadle. Jerry spoke about Swainsboro being one of the original Georgia Main Street Cities and glad to see it regain its designation in 2015. Many of his family and friends were present to share in the award.

**A. Consensus Business**

1. Mr. Terry Faulkner was present representing the Pin Hi Golf Association requesting council for a grant of \$1900 in support of their golf tournament. He explained the benefits of the tournament to council. Council asked Adm Lawson if this was a budgeted item and he responded that \$500.00 was budgeted in 2015 for this event.

Councilperson Parker made a motion to amend the budget and grant the \$1900.00 requested from the group. Motion died for lack of a second.

Council then agreed to give the \$500.00 budgeted grant to the group. no objections

**B. New Business**

1. Council considered the adoption of a Motorized cart ordinance. A draft was presented to council for consideration by the committee assigned by Mayor Schwabe to draft an ordinance for consideration. Adm. Lawson read the ordinance for council and citizens present. After a brief discussion one change was made and the ordinance was accepted for consideration as follows;

## **CITY OF SWAINSBORO**

### **Article IV. Motorized Cart**

**AN ORDINANCE TO AMEND CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF SWAINSBORO BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO PROVIDE FOR MOTORIZED CART USE ON CERTAIN DESIGNATED PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF PERSONAL TRANSPORTATION VEHICLE USE ON CERTAIN DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF OTHER VEHICLES ON DESIGNATED PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO DESIGNATE PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY TO BE USED BY SUCH MOTOR VEHICLES; TO PROVIDE FOR PLACES OF CROSSING HIGHWAYS AND PUBLIC ROADS; TO PROVIDE FOR**

**REGISTRATION REQUIREMENTS; TO PROVIDE FOR LICENSING REQUIREMENTS; TO PROVIDE FOR RULES OF OPERATION; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

SECTION ONE

Chapter 58 of the Municipal Code of the City of Swainsboro is amended by adding a new Article, to be numbered Article IV, which shall include the following language:

**Article IV. Motorized Carts**

Sec. 58-85. Short Title.

This Article shall be known as the "City of Swainsboro Community Transportation Vehicle Ordinance."

Sec. 58-86. Findings and Intent.

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation vehicles, electric personal assistive mobility devices and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter "public roads") and the City of Swainsboro in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Swainsboro that operation of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads is safe or advisable if done in accordance with this Article. By regulating such operation the city is merely addressing safety issues. All persons who operate or ride in motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Notwithstanding any law to the contrary, the City of Swainsboro has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this Article. Any person who operates motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles is responsible for procuring appropriate insurance as may be required by any State of Georgia law or this Chapter as a condition of operating motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on the roads of the City of Swainsboro.

Sec. 58-87. Definitions.

The following words and phrases when used in this Article shall have the definitions respectively ascribed to them in this Article.

*All-Terrain Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

*Rough Terrain Vehicle (RTV) or Utility Terrain Vehicle (UTV)* – A Side by Side vehicle that is a small 2-person or 4-person four-wheel drive off road vehicle, often utilizing truck-like features for working, instead of recreation.

*Bicycle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(6).

*Dealer* shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

*Electric personal assistive mobility device (EPAMD)* shall have the same definition as set forth in O.C.G.A. § 40-1-1(15.6).

*Gross Weight* means the un-laden weight of the vehicle plus the weight of any load thereon.

*Low-Speed Vehicle (LSV)* shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

*Moped* shall have the same definition as set forth in O.C.G.A. § 40-1-1(28).

*Motorized Cart* shall have the same definition as set forth in O.C.G.A. § 40-1-1(32).

*Motor Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

*Pedestrian* shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

*Personal Transportation Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(43.1).

*Public Road* means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City of Swainsboro, including streets and alleys.

*Sidewalk* means that portion of public property of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use only by pedestrians.

*Recreation Path* means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines, or the later lines of a railway, and the adjacent property lines, or in any other designated public right-of-way or public property designated by signs for shared use by motorized carts, personal transportation vehicles, EPAMD vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the City Council.

*Un-laden Weight* means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

*Valid Motor Vehicle Driver's License* means any current and valid certificate issued by the state, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the state.

*Vehicle* shall have the same definition as set forth in O.C.G.A. § 40-1-1(75).

Sec. 58-88. Nomenclature.

Any personal transportation vehicle, as defined by this Chapter, which also qualifies as a motorized cart, as defined by this Chapter, shall only be considered a motorized cart under this Chapter and be subject only to the requirements, including registration, equipment, and inspections for motorized carts under this Chapter.

Sec. 58-89. Personal Transportation Vehicle Equipment.

- (a) All personal transportation vehicles shall have a braking system sufficient for the weight and passenger capacity of the vehicle including a parking brake, a reverse warning device functional at all times when the directional control is in the reverse position, a main power switch which shall render the power circuit inoperative when the switch is in the "off" position or the key or other activating device is removed, such key or other activating device only being removable in the "off" position, head and tail lamps (when utilized during darkness), hand holds and a displayed slow moving motor placard.
- (b) All personal transportation vehicles which do not also qualify as motorized carts shall comply with all applicable provisions of Article 1, Chapter 8, Title 40 of the Official Code of Georgia Annotated.

- (c) If equipped on motorized cart, seat belts must be worn.

Sec. 58-90. Motorized Cart Operation Regulations.

- (a) Motorized carts may only be driven on designated public roads, recreation paths, rights-of-way or other public property of the city.
  - (1) The designated public roads shall include all public roads within the jurisdiction of the city which have a speed limit of thirty-five (35) miles per hour or less or on other public roads as the Mayor and City Council shall approve, and as the Mayor and City Council shall deem appropriate for use as designated public road for use by motorized carts.
  - (2) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Chapter, by this subsection, or by state law, and does not include the following: City Parks
- (b) Motorized carts shall not be operated on sidewalks at any time. (Excluding City owned vehicles for government use and motorized carts used for medical purposes)
- (c) No person shall operate a motorized cart on a public road of the City of Swainsboro unless that road is designated for motorized cart use by this Article.
- (d) Motorized cart owners shall maintain their motorized carts in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the motorized cart is in operation on public roads.
- (e) The maximum occupancy of a motorized cart traveling on public roads, sidewalks, paths, rights-of-way or other public property shall be one person per designated seat.
- (f) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, recreation paths, rights-of-way or other public property of the city.

Sec. 58-91. Motorized Cart Operator Licensing Regulations.

- (a) Those persons possessing a valid motor vehicle driver's license issued by the state, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the highways of the state may operate and drive a motorized cart on designated public roads, recreation paths, rights-of-way or other permitted public property of the city.
- (b) Those persons who are twelve (12) years of age or older but do not hold a valid motor vehicle driver's license may drive a motorized cart on the designated public roads, recreation paths, rights-of-way or other public property of the city if they are accompanied by a person who holds a valid motor vehicle driver's license.
- (c) No person under the age of twelve (12) years shall be permitted to operate a motorized cart on designated public roads, recreation paths, rights-of-way or other public property of the city.

Sec. 58-92. Liability.

- (a) The owner or operator of a motorized cart is liable for his or her own actions and takes full responsibility for damages incurred by all drivers of this vehicle.

Sec. 58-93. Hazardous Activities and Special Rules.

- (a) Blocking of public access to any public roads, sidewalks, recreation paths, rights-of-way or other public property of the city shall be prohibited, except for permitted events.
- (b) All operators and passengers of motorized carts, low-speed vehicles, personal transportation vehicles, and other motor vehicles shall remain seated at all times during the operation of motor vehicle.

Sec. 58-94. Penalties.

- (a) Any person who violates the terms of this Article shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided in the Code of the City of Swainsboro, Georgia.
- (b) Sanctions will be enforced against the licensed operator. In the absence of a licensed operator, all fines and penalties shall be levied against the responsible party of the vehicle as follows:
  - (1) For the first offense, a written warning will be issued;
  - (2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$25.00; and
  - (3) For a third offense committed within one year of conviction for a second offense for a vehicle, a fine of not to exceed \$50.00;
  - (4) For all additional offenses committed within one year of conviction for a third offense for a vehicle, a fine of not to exceed \$200.00, set by the municipal court judge, to include the possibility of the privilege to operate a vehicle as described in this article being revoked.

SECTION TWO

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council.

THIS ORDINANCE AMENDMENT SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION AS PROVIDED FOR BY THE CHARTER OF THE CITY OF SWAINSBORO.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Charles Schwabe, Mayor

ATTEST: \_\_\_\_\_  
Al L. Lawson, City Adm.

\_\_\_\_\_  
Cleve Edenfield, Council Member

\_\_\_\_\_  
Sandra Stroud, Council Member

\_\_\_\_\_  
John E. Parker, Council Member

\_\_\_\_\_  
Bobby Collins, Council Member

\_\_\_\_\_  
Rita Faulkner, Council Member

\_\_\_\_\_  
Johnny Ray Stafford, Council Member

Motion to consider the ordinance was made. This will be considered as the first reading of the ordinance.

**Motion: by Stafford Seconded: by Faulkner 6-0**

### **C. Old Business**

None

### **D. Committee Reports**

**Police:** Councilperson Stafford gave the January Police Report.

Police Chief Ellison reported to council that the Swainsboro Police Department had responded to a three person shooting incident at the New Image Club located on North Coleman St. No one killed but three were transported to the hospital. He stated this is the third incident of this kind at this establishment on two month. Chief Ellison stated he was concerned with the safety in the neighborhood and the are around the establishment. He stated he would handle the criminal investigation on going but the council needed to consider the license on the establishment. Council discussed the matter at great length and asked what the occupancy load of the building was. Chief Strobridge stated he could determine the occupancy load through the Fire Marshall's office. There were many issues such as parking and safety discussed.

Motion was then made to suspend the business license of the establishment for two weeks to give the business owner time to address some of these issues.

**Motion: by Stafford Seconded: by Stroud 3-3 Mayor Schwabe voted yes opposed; Parker, Faulkner, Collins**

Tommy Roberson representing the New Image Club was present and informed council that new metal detectors had been ordered to keep the weapons out of the club.

**Public Works:** Councilperson Parker reported everything routine.

Councilperson Parker asked if some on littering signs could be placed to help control the littering. Councilperson Parker will get with Rick from OMI to get these placed.

Councilperson Parker stated that in the 2015 budget was the purchase of come new equipment for Public Works and he would like to present three bids for a new mini-excavator that was needed in that department. The bids were as follows;

1. Yancey CAT - \$46,262.00
2. Flint Equip. - \$53,468.82
3. Tractor Equ - \$64,738.00

Councilperson Parker stated all of the bids met the specs and made a motion to purchase the low bid.

**Motion: by Parker Seconded: by Stroud 6-0**

**Fire:** Councilperson Collins presented January Fire Report.

Councilperson Collins gave council an update on the new Fire Station. She congratulated the Fire Department on the new lower ISO rating obtained in 2014.

**Recreation:** Councilperson Faulkner reported everything routine.

Councilperson Faulkner reported on the success of the SPLASH in SPORTS Facility at the Recreation Center.

She reported they are still lookin for a generator for backup power to that facility.

Council made a suggestion of a Sr. Citizens Program at the Recreation Center. Councilperson Faulkner stated it was a good idea and would check into that suggestion.

**Airport:** No Report

**Executive:** No Report

**Water & WW:** Councilperson Edenfield reported some major leaks around the city had been discovered and repaired. He also reported that the in plant was using reuse water for its operation and this was saving the city around 1,000,000 gallons of water per month.

**Downtown Development:** No Report

**Administrative:** Mayor Pro Tem Stroud informed council that the Administrative Dept has received the resignation of Connie Hughes on January 14th and her last day was January 28th. An advertisement was placed in the paper and the job is being advertised to fill.

Councilperson Stroud also congratulated Cecil Bishop on her retirement on February 01, 2015. She served the city faithfully for 30 years.

**Building Inspection:** No report

**Mayor:** Mayor Schwabe asked Council Members to give a list of two streets they would like to see paved in their districts. The list of suggested streets were;

1. Mitchell St
2. William Roundtree St.
3. Prosperity Dr.
4. Lake Luck Dr.
5. Crump St.
6. Willow Way
7. North Race Track
8. Norwood Ave.
9. North St.
10. Robin Rd.
11. Thigpen Dr.
12. West Meadowlake Pky

Mayor Schwabe asked council to give suggestions for the 2015 year in what they would like to see accomplished in the city. The suggestions were as follows:

1. Continue with more incentives for new businesses in the Downtown area.
2. Do follow up on all projects and commitment from the city.
3. Be more efficient in the water billing and collection department.
4. Install a Weather Emergency Early Warning System.
5. To implement an Awareness Program.
6. City, County, BOE, and EGSC, co-operative team to work together for the betterment of the community.
7. Complete the ongoing Fire Department and Streetscape projects while promoting local businesses and manufactures.

**Meeting was adjourned.**

**Submitted: Al L Lawson, City Administrator**