

CITY OF KING CITY

CITY COUNCIL MINUTES

King City Civic Association Town Hall, 15245 SW 116th Avenue,
King City, Oregon 97224

September 17, 2008

Regular Meeting

Call to Order: Mayor Shay called the meeting to order at 7 p.m.

Roll Call: Present: Ron Shay, David Newham, Dick Winn, Ken Gibson, Suzan Turley and Sam Locklin. Jim Gates arrived at 7:02 p.m. just after the minutes were approved.

Agenda Item 4: Approval of Minutes: August 6, 2008 and August 20, 2008.

MOTION BY COUNCILOR TURLEY. SECOND BY COUNCILOR WINN.

VOTE: AYES: 6 (Councilor Gates hadn't arrived yet).
Motion passed.

Agenda Item 7.1: New Business – Planning Commission Appointment

Mayor Shay moved the item forward on the agenda so Jim Armour's appointment to the Planning Commission could be done before the anticipated long public testimony session.

MOTION BY COUNCILOR LOCKLIN TO APPROVE THE APPOINTMENT OF JIM ARMOUR TO THE PLANNING COMMISSION. SECOND BY COUNCILOR TURLEY.

VOTE: UNANIMOUS – ALL COUNCIL MEMBERS
Motion passed.

Agenda Item 5: Open Forum. No Comments.

Agenda Item 6.1: Unfinished Business – Ordinance O-08-06, an ordinance relating to the operation of golf carts, low speed utility vehicles and alternative transportation vehicles on municipal roads, and amending King City Municipal Code...

Continued Discussion – Invitation for Public Comment

A. **Chief Fessler** explained the purpose of proposing a revision to the existing ordinance does nothing to change the basic tenets of the existing ordinance. What the new proposal does is provide definitions for the different types of vehicles; mopeds, golf carts, etc., says golf carts can operate on streets in King City however due to the city's growth in recent years, the revision outlines what area of the city is the original King City, defines what operators need to do to drive on a public street and proposes a user ID or decal that would register a golf cart owner's name and address at City Hall in case a golf cart is lost or stolen. The revised ordinance dictates the same rules of the road as the current ordinance. The ordinance requires the city to put up more signs designating the combined use of streets for cars and golf carts on all city streets. The revised ordinance also reaffirms that a golf cart user assumes all liability and adopts parts of the vehicle code pertaining to wheelchairs, bicycles, etc., the same as the state ordinance. Also the revised ordinance reduces penalties; the current code shows an extraordinary large penalty for violations. The new ordinance proposes lowering it.

B. **Mayor Shay** opened the public forum asking that presenters limit their time to three minutes per person so everyone who wants to speak would have an opportunity and also advised the audience that if they agreed with what someone had already said to please just say that to save time.

C. **Mr. Gene Teach** was the first speaker. Mr. Teach said he has only heard of two accidents with golf carts since he's been in King City and neither one was fault of the golf cart operator. Why a new ordinance now?

D. **Chief Fessler** responded that he is meeting with Representative Larry Galizio, District 35, to discuss a proposal to change the existing state statute regarding golf cart operation to make it less ambiguous and more reader friendly. Presently the State statute says you can only use your golf cart going from where it's stored to and from the golf course. Chief Fessler and Representative Galizio are discussing a proposed change to the State law to allow certain types of vehicles, those that run electrically, on city streets. Chief continued saying many people are using golf carts now who don't have a driver's license. The revised ordinance says an operator needs to be at least 16 years old and driver's license eligible. The State does offer a disability golf cart permit for those who can't qualify for a regular driver's license. There are people who have been suspended from driving by the State, for instance, because they can't see. That would be a danger for everyone. The existing ordinance requires a "slow moving vehicle" sign on golf carts. There won't be police dept

inspections of the vehicles. Chief Fessler said it might be a good idea to have a meeting for residents at some point in the future to go over the rules of the road and how vehicles can share the roads in King City. Chief Fessler emphasized that it isn't the intent of King City authorities badger the golf cart users.

E. **Mr. John Noretto** said he is against the golf cart ordinance for three reasons. First it is overreaching. The existing law has been in effect for 40 years and hasn't needed to be changed, especially with only two golf cart accidents in the last 8 yrs. Mr. Noretto said he also took exception to the part of the new ordinance that requires brake lights, horns, etc. however the Chief said that requirement wasn't in the proposed revised ordinance and after closer examination it was agreed that the proposed revised ordinance doesn't have that requirement. Mr. Noretto said Chief Fessler was quoted in an article in the latest Regal Courier that the State statute only allows for golf cart operation on streets adjacent to a golf course. **Councilor Winn** rebutted and responded by reading directly from the State law and **Chief Fessler** reiterated that golf cart operation is allowed in the area bordered by 131st Street, Beef Bend Road, Highway 99 and Fischer Road. **Mr. Noretto** told the Council, King City is a retirement community and laws should be made that benefit the retirees. Having a registration fee that will only go higher and higher each year imposes a financial hardship on residents. There are people using golf carts who can't meet the requirement to be driver's license eligible because they've had a stroke or a seizure and this proposed revised ordinance would eliminate their right to use their golf carts.

F. **Mr. Roy Armour** said he had a couple of issues to do with the way the proposed revised ordinance is written. He recommended the terms or definitions that aren't used in the ordinance should be deleted. He also said when the City uses words in the ordinance that come from State statute; the City should cite the State statute. Under the definition for eligible operator, there is a reference which says "a person who has a *disability golf permit*" ...what is a *disability golf permit*? That should be explained. **Chief Fessler** said there were two or more staff members, including the city attorney, working on the proposed draft ordinance and that probably due to having multiple authors working on it all at same time, that could have created some minor oversights. **Councilor Gates** asked Mr. Armour to submit his recommendations in writing. **Mr. Armour** asked if the intent of requiring permits was for the City to generate revenue. He said golf cart owners don't have permits now. Why bother? **Chief Fessler** said on one occasion a golf cart was stolen and the owner couldn't be identified so the cart was towed and the owner had to pay a tow fee to get it back. Chief Fessler said permits would protect golf cart owners

from having to leave a lot of personal owner identification in their golf carts which is a concern for I.D. theft. **Mr. Armour** pointed out that the required "slow moving vehicle" sticker on the rear of a golf cart can't be seen if the cart is loaded with two golf bags.

G. **Ms. Bonnie Babbitt** said she agrees with the golf cart registration requirement. Ms. Babbitt said she knows the woman who had her golf cart stolen and she did pay quite a bit to get it back. Ms. Babbitt said on page 3-A-1A of the proposed draft ordinance it says golf carts aren't allowed on Bedford Glen streets. She wanted to know if council was aware that a previous mayor had a golf cart path put there to allow access into those streets. **Chief Fessler** said that part of the ordinance could be deleted. **Ms. Babbitt** said she was also glad to know signage will be increased. She said she trusts the council that if the Council decides to add a requirement in the revised ordinance requiring a fee to obtain a registration permit, that it will not be too costly. Ms. Babbitt also mentioned that recently she was in a squeeze play with a car because a contractor working in King City was parked facing the wrong direction and too close to a corner which created close quarters for her golf cart and cars making the turn. She suggested contractors be required to use cones or something to mark off their parked vehicles. Ms. Babbitt also thanked council for the striping that was put down on Elizabeth Street. **Councilor Turley** asked Ms. Babbitt as well as the other golf cart owners present to contact the city if they see parking violations that create a danger for golf cart operators.

H. **Mr. Howard Suesserman** who lives on Jordan Way said he and several of his neighbors have golf carts. He asked if the residents on Jordan Way will have access and be able to use their golf carts. Chief confirmed that residents on Jordan Way will have access and be able to use their golf carts.

I. **Ms. Jackie Byles**, a resident and golf cart operator told the Council she is partially handicapped and agreed with Ms. Babbitt that registering the golf carts is a good idea. Ms. Byles also suggested the City provide a hand-out covering the golf cart rules that people would be given when they come into City Hall to register their golf carts.

**NO ONE ELSE CAME FORWARD FOR PUBLIC COMMENT.
MAYOR SHAY CLOSED THE PUBLIC HEARING AND CALLED
FOR A RECESS.**

RECESS ENDS - COUNCIL DISCUSSION

A. Council asked Chief Fessler and City Manager Wells to summarize what was said before they began their discussion.

B. **Councilor Gates** said he has concerns about the amount of the proposed registration fee. **Chief Fessler** replied there isn't anything written in the proposed revised ordinance stating a fee will be charged for registering the golf carts. The City Attorney advised staff the City can't do a registration fee. The issue the Council has to decide is whether the golf cart owner should pay for the cost of the decal or if the tax payer population at large, i.e. the City, should pay for the printing cost. This would be a one-time fee to register. **Councilor Winn** said he thinks the fee should be whatever it cost the City to have the decals printed.

C. **Chief Fessler** reminded Council the City will need at least 20 combined use signs for the streets and they will cost about \$65 each.

D. **Councilor Gibson** asked about the requirement to have a "slow moving vehicle" sign on the carts. As it's already in the code, do people using carts now adhere to the requirement to have the "slow moving vehicle" signs displayed in the back of their golf carts. **Chief Fessler** said there isn't complete compliance with the "slow moving vehicle" requirement but noted everyone seems to adhere to the requirement to attach a flag to any handicapped vehicle. Someone asked if there was information on what the "slow moving vehicle" sign should look like and **City Manager Wells** told Council it is described in the State statute.

E. **Councilor Gates** asked if the city currently enforces the existing ordinance. **Chief Fessler** replied that in most cases, he'd rather educate the users than use enforcement tools.

F. **Councilor Turley** said she's concerned that citizens aren't paying attention to the parts of the ordinance other than the part about golf carts. The proposed revised ordinance addresses all modes of street transportation other than cars. For instance, there is a big piece in the proposed revised ordinance about bicycles.

G. **Councilor Locklin** said the ordinance should include information on what it takes to get a handicapped operators permit from the State.

H. **Councilor Turley** said some residents think the streets belong to KCCA and the police don't have jurisdiction over those streets. **Chief**

Fessler said the traffic code is enforceable on all King City streets because they're open to the public.

I. **Mayor Shay** asked if the pathway between Jordan and Matador has been deeded to the City. **City Manager Wells** said yes, the path is City property.

J. **Councilor Turley** asked Chief if he could give the Council the ordinance in a different format that indicates what exists in the ordinance now and what will change in the proposed revised ordinance. **Councilor Turley** also confirmed tonight's hearing was just a courtesy. There will be another opportunity for a public hearing at the second reading.

K. **Councilor Gates** said he would like to have public comment regarding skate boards on sidewalks, saying he is undecided about that particular aspect of the ordinance. Staff and other councilors said the citizens had the opportunity tonight to bring up the skateboard issue this evening if they wanted to. **Councilor Winn** said he thinks original King City will want to prevent skate board usage on those streets however in newer areas of King City in the area where Councilor Gates lives, the residents will want to allow for skate board usage in their neighborhood. **Chief Fessler** said you could write language that talks about where skateboards are utilized in different parts of the City. **Councilor Gibson** said he doesn't think it will work to have some streets that allow skateboards and some streets that don't. **Councilor Turley** agreed. **Councilor Gibson** said he would like to see some mechanism to blend the two approaches. Councilor Gibson said he thinks it's a lot more dangerous for the children to be in the streets with their skateboards instead of on the sidewalks. **Councilor Locklin** also said he was concerned about disallowing children on sidewalks with skateboards because having them move into the streets would be too dangerous.

COUNCIL DIRECTION TO STAFF...

Council agreed to continue discussion on this topic at the next meeting on October 1, 2008. Council asked staff to give them a summary of the public comments and the minutes from this meeting as soon as possible so they will have time to review. At the next Council meeting staff will go through the comments and direct staff as to what they want in the revised ordinance. Staff will then prepare a draft final and re-introduce the ordinance.

Mayor Shay adjourned at 8:35 p.m.

Respectfully Submitted,

David M. Wells
City Manager/City Recorder