

LEGAL AND LEGISLATIVE COMMITTEE
October 30, 2001
3:00 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Littlefield, Chairman, with Councilmen Benson, Franklin and Pierce present. Councilmen Lively, Robinson, and Hakeem joined the meeting later. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present. City Attorney Mike McMahan joined the meeting later.

Others present included Yuen Lee, Bill Allen, Dana Stoogenke and Melissa Dickinson.

BICYCLE PLAN

Chairman Littlefield called the meeting to order and noted that we would not be talking about the Noise Ordinance tonight; that he was doing research on this and Mike McMahan was putting together a draft. He made reference to the second page of today's newspaper relating to the Noise Ordinance in Los Angeles—a Courtney Love concert was cut short by a violation of the Noise Ordinance, and she had to finish her concert in the bathroom. Chairman Littlefield stated that he had gathered information from other cities concerning acceptable levels; that there is a diversity of limits, and we would continue to massage this.

Chairman Littlefield called on Bill Allen of the Regional Planning Agency. Mr. Allen stated that he was the Team Leader for the Bicycle Master Plan and working with him was Melissa Dickinson and Dana Stoogenke; that we had consultants with us here today. He mentioned four regions of community meetings and meetings with the Bicycle Advisory Committee. He stated that in addition to these meetings, they wanted to brief local officials and have them involved. He called on Kim Hawkins, Consultant.

Ms. Hawkins stated that their contract began at the beginning of October and there had been a series of four public meetings and a follow-up on this with the Bicycle Advisory Committee. She explained that they had been working with RPA and had had three public meetings and four meetings with the Bicycle Advisory Committee in order to cover the whole community. She added that this endeavor was being led by Hawkins Partners, which was her company; that the desired outcome and main goal was to arrive at a balanced system between commuters and recreational cyclists.

Ms. Hawkins went on to explain that this includes a large area and part of North Georgia; that it is divided into four areas—North Georgia, Central City, East Hamilton County, and West Hamilton County. She stated that they wanted to make sure that the plan that is developed is comprehensive.

She next went over the basic schedule, noting the first Bicycle Advisory Committee meeting and concurrent meetings tonight and stated that they would be back the first week of December. She stated that this was an active committee group and that they would study the possibility of proposed routes, along with costs and the ease of implementation; that towards the end of January they would come back with a preliminary routing that would be presented to RPA to review and then finalized by the end of April. She stated that they would be looking at codes and ordinances in regards to alternative biking locations in order to develop a hierarchy.

Ms. Hawkins then went on to talk about the types of facilities, mentioning **Class I—Multiple Use Plan**, which includes pedestrian and joggers, giving as examples the Riverpark and Walnut Street Bridge. **Class 2—Bike Lane** would include lanes on both sides of the street, both outbound and inbound. She stated one advantage of this type was the psychological safety net where people would know where they are supposed to be. She explained that signage in the lanes was the best advertisement for cyclists and showed that they had a right to be here. **Class 3—Bike Routes** would include wider lanes of traffic to accommodate both vehicles and cycles and could or could not have signage. She stated that advanced cyclists typically liked this type.

She then went on to explain the different types of cyclists. **Class A** is the avid cyclist who prefers to be with the traffic. **Class B** is the casual adult cyclist who occasionally uses his cycle for short trips. **Class C** is children and family cyclists. Ms. Hawkins noted that each type has different needs; that Class B and C will not want to be in traffic. She stated that they were striving for a balanced system so that all needs could be met.

Ms. Hawkins next went over the basic benefits, explaining that 40% of all adults are sedentary and only 8% get the recommended exercise; that an increase in cyclists had environmental benefits and economical benefits as well as there will be a need for less roads. She went on to say that most people will walk on an errand of one-half mile; that up to two miles they will use a bicycle. She stated that a good deal would be social or recreational trips and that 40% of trips are under two miles. She stated that we needed safe places for people to ride. At this point she showed maps of West Hamilton County and noted that what attracts cyclists in neighborhoods and subdivisions are closeness to schools and places of employment, also post offices and libraries; that with a balanced plan, we can take away some of our car travel. She stated that they would analyze the information and come back with a Preliminary Plan.

Chairman Littlefield asked if they would be treating different sections of National Parks in a specific way. Ms. Hawkins responded that the Bicycle Advisory Committee was involved in North Georgia and also Moccasin Bend in the West Hamilton County area; that she understood that Moccasin Bend was a favorite area to ride.

Councilman Franklin asked about the area in “gray”—if it was the Central City?

Chairman Littlefield noted that in talking to avid bikers that North Georgia was a favorite area to ride also.

Ms. Hawkins noted that 5% of bikers are Type A and 95% fall into the B and C category; that “A” cyclists know the roads and routes they like to ride.

Mr. Allen mentioned that there was a need for education and making people aware of safety issues; that this was a component of this Plan.

Chairman Littlefield noted that this Plan would be treated the same way as the Hamilton Place Plan and others that are underway.

Ms. Stoogenke stated that they would be doing what they are doing tonight with other municipalities as well; that this would be a truly comprehensive plan.

Councilman Pierce asked about the kind of group meetings that they had had. Ms. Hawkins explained that they were of the charette process with about 36-40 people in attendance in the Central City; that some people had not been on bikes for 20 years. Councilman Pierce noted that he just did not see that many bikes out there. Ms. Hawkins explained that they were trying to encourage people to bike in a specific place by providing lanes to make people feel more comfortable on safe routes.

Councilman Benson asked about the required use of helmets. Ms. Hawkins stated that cyclists have to have helmets. Ms. Dickinson added that this is true for people under 16; that over the age of 16, it is your choice. Ms. Hawkins almost mentioned that some places require cyclists to have bells. She urged to keep in mind that education is very real; that motorists are not sure about the rules for cyclists, and it tends to be confusing; that motorists don’t know whether to treat cyclists as motorists or pedestrians.

Councilwoman Robinson stated that she had been following this for a number of years and was excited about this; that she was sure there would be better days ahead for sharing the road. She stated that she had just arrived because she had been blessing the new North River YMCA. Chairman Littlefield stated that her absence had been noted.

ADOPTION OF DIGITAL ZONING MAP

Chairman Littlefield addressed the next topic, which was the Digital Zoning Map, stating that Yuen Lee and consultants had been working on this; that this would become the official zoning map. He turned the meeting over to Yuen Lee.

Ms. Lee stated that when the Digital Map was adopted that it would be on a server and would be up to date. She explained that one of the drawbacks of a paper map was that it took them awhile to update; that when this is put on computer and an area is rezoned and approved, they will have a system to update the zoning map.

Chairman Littlefield explained that we did have only one official map, and it was at the Planning Operating Office and was not always up to date.

Councilman Lively asked if we would be able to go to the Internet and pull this up. Ms. Lee explained that people at City Hall and the County could get it on the server and within a year it would be on Internet. Councilman Lively asked if you would pull it up by a certain block. Councilman Benson asked if it would be by address. Ms. Lee explained that one would be able to zoom in and see a parcel. Councilwoman Robinson asked where the legend was for colors. Ms. Lee explained that you would be able to click on it. She stated that this would go to Planning at the November meeting for an update and would come to the Council; that in December everything would be up to date. She went on to say that one advantage was that it was color-coded for different zones and would show the acreage in the city for different zones; that this would help us make decisions with rezoning requests.

Chairman Littlefield stated that when we all can access this that it will be great.

Councilwoman Robinson asked how Moccasin Bend, as a park, would be designated. Chairman Littlefield explained that we have no park zone; that when an area becomes a park that the zoning does not change, and it could be zoned anything you wanted it to be; that National Parks can all have different zonings. Councilman Franklin asked if it would ever be necessary to have a park zone. Chairman Littlefield answered that it does not matter; that it is controlled by ownership.

Councilman Franklin asked if there was any kind of legislation involved with land owned by a State Park or TVA that had lake frontage and was transferred to residential. Ms. Lee responded that it would have to come through the rezoning process if it were not zoned residential; that TVA has restrictions on what you can do. Attorney Nelson explained that TVA puts conditions on that says property has limited uses.

Chairman Littlefield stated that Planning would have to approve this and then it would have to be advertised as an amendment to the Zoning Ordinance before it comes to the Council for first reading and would require a Public Hearing on the 20th of November and 2nd and 3rd readings would be on November 27th.

Councilman Pierce asked if this would include both the City and County. Chairman Littlefield explained that our portion is just the City. Ms. Lee added that this is for the entire County right now, but the City would only be adopting the City portion.

Mr. Jim Frierson stated that he had been looking at this as transparent government; that this software would be sophisticated and when it is put on the web it will be limited. He asked what the public could do. Ms. Lee explained that that they would have software to put on the web and citizens can key in an address and zoom in to the parcel or area. Mr. Frierson stated that this was very impressive and was good work.

On motion of Councilwoman Robinson, seconded by Councilman Lively, this will be recommended to the full Council.

Chairman Littlefield reiterated that this would be before the Council on November 20th.

GIFTS TO CITY EMPLOYEES

Councilman Benson stated that he would appreciate this committee looking into the conflict of interest as it relates to gifts to city employees. He asked where we stood on this; that he knew it had to be approved by the Council. Attorney Nelson clarified that gifts to the City do not have to be approved, just gifts to employees. Councilman Benson stated that he would like to have the reference discussed, whether it be a memo or an ordinance; that he would like to review it and see if it is something we want to live with. Chairman Littlefield noted that under the old City Commission that a situation had arisen where employees were doing work; that he would try to find this in the Code and see if he could find a file that he had once had on this. Attorney Nelson added that he had the information on Frank Kinser and UT. Councilman Benson stated that this was one of his constituents who had brought this up.

Chairman Littlefield noted that there would be no meeting of the Legal and Legislative Committee on November 13th

The meeting adjourned at 3:45 P.M.