

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, May 1, 2001 at Villa Rica City Hall. Those present were Mayor Monroe Spake; Councilmembers, Perry Amidon, Shirley Marchman, Verland Best, and Woody Holland; City Manager Steve Russell; and City Attorney David Mecklin. Councilmember Jeane Williams was absent with notification. Approximately 45 people were in attendance.

The meeting was called to order at 7:30 p.m. by Mayor Spake, invocation by Councilmember Best, all recited the pledge of allegiance.

Amidon motioned to approve the minutes from the April meeting as presented seconded by Marchman. Carried 4/0.

Paul Soudi presented the second reading of an amendment to the Street & Sidewalk Ordinance. With no discussion, Amidon moved to accept the amendment, seconded by Best. Carried 4/0.

Soudi presented a request by Mi Ranchito for an extension to the alcoholic beverage serving area of El Ranchito, an existing restaurant in the Wal-Mart Super Center and currently licensed to serve alcoholic beverages. The extension is for a proposed open-air serving area adjacent to the restaurant and surrounded by a seven foot high brick and iron fence. Holland asked for confirmation that there would be no entrance or exit from the proposed area except through the building. Soudi confirmed this but added there may be some type of emergencies-only exit. Amidon moved to accept the request, seconded by Holland. Carried 3/1 with Marchman dissenting

Soudi presented a proposed amendment to the Zoning Ordinance which would set new standards for the development of multi-family residential projects. The proposed amendment would reduce by 20% the number of apartments per acre currently allowed in the Zoning Ordinance. Holland, who, in April, requested that a reduction in apartment density be addressed, said the intent of the ordinance was to conserve limited resources; and that the stepped method of this ordinance is consistent with those of surround agencies. Mayor Spake requested this be posted publicly and placed on the June agenda.

Soudi presented VA-1-01, a variance request filed by Tim Bell as a result of a zoning violation. Before the presentment Mayor Spake stated this involved property he sold a year ago, recused himself and appointed Councilwoman Marchman to chair this proceeding. After some discussion and clarification of the request, Best moved to accept the variance, seconded by Amidon. Carried 3/0. Mayor Spake resumed the chair.

Soudi, with Jeff Matthews, presented RA-1-01, a rezoning application proposed by Felix and Dorothy Leathers for 3.96 acres on Leathers Street at Hwy 78 to be zoned General Commercial (G-C) from the present Rural Development (R-D). This would be added to

existing General Commercial land to develop a 16.32-acre shopping center. Soudi noted the Planning and Zoning Commission unanimously recommended this for approval. Best inquired as to DOT's approval of the entrances and exits proposed for the shopping center. Matthews said the landowner had worked a deal with the DOT and Carroll County to swap land behind the existing fire station in order to get access cut in beside the fire station from Hwy 101. There would also be access to the shopping center from Hwy 78. After discussion, Mayor Spake opened the public hearing for comments. There being none, the floor was closed. Amidon moved to accept the request, seconded by Best. Carried 4/0.

Soudi presented RA-2-01, an application by Kip Berry, owner, for the annexation of approximately 45 acres and the rezoning of 83 total acres at Herrell Road and Hwy 61 from Rural Development (R-D) to Planned Development Residential (P-D) for the development of a single-family dwellings residential subdivision. Soudi noted the Planning and Zoning Commission had recommended denying this application. Developer Gordon McTyre addressed the Council to clarify the request. He assured the council that he would be entirely responsible for this development, no lots would be sold to other builders. Property Owner Berry addressed the council stating that the \$90-100K-range housing would not be slums because potential homebuyers would have to be earning \$35-40K annually to qualify for a home loan. He also pointed out that McTyre would be laying substantial infrastructure such as curbs, gutters, water and sewer in addition to the paved streets. Marchman inquired as to the number of houses per one-acre lot. Russell said the City Ordinance allows up to 6 dwellings per acre. Soudi said this proposed plan called for 3.6-3.7 units per acre. Amidon asked if the developer was planning to install a pumping station to handle the sewerage. Russell said the developer will look at the least expensive way to remove the sewerage from his development to the city's system. However, the city could consider sharing some of the expense in order to get sewer service to that part of the Dallas Hwy area. Mayor Spake opened the public hearing for comments. At Best's request, Mecklin clarified the City Ordinance pertaining to time limits on public comments, the limit being a maximum of ten minutes for and ten minutes against a proposal. Dale Bryant Windsor, Shady Grove Community, whose mother Pauline Bryant lives at 1081 Dallas Road, cited a primary concern of unit density in this proposal, noting that there would be small yards causing children to play in the streets. She also voiced concern over the traffic increases this would bring to Herrell Road. Debbie Rollins, 94 Cleghorn Road (Twin Lakes Subdivision), said density, traffic and water shortages were her chief concerns. Terry Sinkfield, 241 Herrell Road, said the subdivision's children would play on Herrell Road. He said there is already a problem with dirt bikes up and down Herrell Road. Linda Willowby Leatherman, Horseshoe Bend Road, whose father's property abuts the proposed property, said she is concerned about the density and the added financial liability posed by community children playing on his land. Paul Miller, Temple, owns property in the "proximity" of the proposed development. He said the density is too high and will deter from property values of existing landowners in the surrounding area. Leroy Haynes, 950 Dallas Hwy, said he and others have begged for sewer service for

40 years, however, the water pressure is at a trickle now and he does not want additional water users in the area. Steve Gamble, 40 Cleghorn Road, said his community used to be quiet and nice. But already the present growth is disturbing this to the point that families can no longer take strolls without encountering speeding cars and motorcycles up and down the road. He said he was promised sewer service in five years when he moved in 15 years ago but he doesn't want it now at this cost. Dale Bryant Windsor readdressed the council to present a petition signed by 21 people in opposition to the proposed development. There being no further comments, Mayor Spake closed public comments. Marchman asked if the developer could consider building fewer houses per acre since density seemed to be the primary public concern. McTyre said his original submission of 249 units was near the minimum number of units needed to make the project work. He said City Ordinance would have allowed him nearly 400 lots. He cited the success of another of his developments, River Trace, on North Van Wert Road, which is nearing its final phase. Russell pointed out that the plans for the by-pass, for which easement was allowed in the proposed development, were still not finalized even though all the studies were completed and submitted. If the by-pass did not go through that property, the current easement area would still have to be left as green space. If the by-pass does go through that property, Herrell Road would be cul-de-saced off Hwy 61 and traffic would route onto the by-pass on the north end. Holland pointed out that there was still an annexation issue and without annexation the development could not go forward due to the density requirements of the county zoning. Also, Holland cited a lack of proof of adequate common areas or green space by the developer. McTyre addressed this as a matter of cost: there is not enough money in the budget to do much more than what is proposed. This development was planned to be as affordable to the buyer as possible and, therefore, without many of the amenities more expensive communities offer. Russell asked him if he could provide some playground and picnic areas in the common area. McTyre said he believed he could do that but could not install more costly amenities such as tennis courts or swimming pools. Holland asked if any of the common area was wetlands. McTyre said that a portion of it was indeed in standing water but that was due to a nearby beaver dam. Holland moved to deny the application, seconded by Best. Carried 3/1 with Marchman dissenting.

CITY UPDATE: Russell told the council he had received from the Douglas County Board of Commissioners a signed document amending the current Resolution to Resolve Land Use Classification Disputes Involving Property Proposed For Annexation. Russell said the only difference in the amended Resolution and the current one is that if a proposed annexation is south of I-20 and is disputed and the dispute cannot be resolved, the City of Villa Rica agrees not to annex. Currently, any disputed annexation of Douglas County land which cannot be resolved can be annexed into the City. Russell said he spoke with Douglas County Commission Chairwoman Rainwater requesting the addition of a water purchase agreement attached to this amended Resolution. He said she did not believe one should be attached but promised to work to assure that the Douglas County water authority would sell water to Villa Rica at a reasonable rate. Holland commented that the signed agreement from Douglas County

was a first step in good faith toward working together and commended Soudi for his efforts in procuring it. Russell said the contract, if agreed to by the council, will be in effect through 12/31/2002 and automatically renewable annually on January 1st unless either party desires to negotiate a new agreement. Russell said without this agreement the City would remain out of compliance with HB489 in Douglas County. This could cause the EPD to flag the City, thereby delaying the North Wastewater Treatment Plant. Holland moved to sign the amended agreement with Douglas County, seconded by Best. Carried 4/0.

Continuing the city update, Russell said the flyover bridge is progressing very well. Concerning the bypass, he hopes to have firmer information next month. The engineer believes Villa Rica has completed its portion of the intergovernmental agreement with the DOT. In another matter, Russell contacted the DOT concerning a traffic light at Rocky Branch Road (and Hwy 78). He said the DOT doesn't have plans to install one and the City should compile a detailed account of all the accidents or other occurrences at that intersection and submit it to DOT. On one final matter, Russell urged the council to consider modifying the City's ordinance on density requirements so that when the council denies an application based on density, the ordinance should match their reasons for denial. He pointed out that twice recently developers have made application to the city with plans that are in compliance with the existing ordinances but have been turned down by the council. Holland offered to come up with something on paper to give to Soudi concerning this.

Mayor Spake opened the meeting for public comment. Bob Spake, Bremen-Temple area, said he was stopped last Friday night by Villa Rica Police Department for an expired decal. He said he did indeed have an expired decal but was offended that he was detained fifteen minutes before finally receiving a ticket. Chief Maddox promised to view the tape of the stop for propriety. Gail Lee, 460 Herrell Road, asked if there will be a public hearing concerning the bypass. She said she was told by DOT that there would be no more hearings. Russell said if the DOT doesn't plan to hold hearings, the city will. There being no further comments, Best motioned for adjournment, seconded by Marchman. Carried 4/0. Meeting adjourned at 8:50.

Monroe Spake - Mayor

ATTEST:

Steve Russell – City Manager