

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, February 1, 2005 in the new Council Chambers at 101 Main Street, Holt-Bishop Justice Center, Municipal Courtroom. Those present were Mayor J Collins, Councilmembers Perry Amidon, Verland Best, Danny Carter, and Woody Holland; City Manager Robert Zellner, City Clerk Jane Chastain, and City Attorney David Mecklin. Approximately 70 people were in attendance.

Collins called the meeting to order at 7:00 p.m. The invocation was given by Councilmember Amidon. All recited the pledge of allegiance. Collins then recessed for approximately five minutes to allow citizens, who may have gone to the former location at City Hall, time to get to the new meeting place. Collins introduced the candidates for the Ward IV seat: Judy Jenkins, J Pilkonis, Joey Kelley, and Jackie Schwarzkopf.

The minutes from the January 4, 2005 meeting was approved as presented.

Collins presented the nomination of Valerie Wilhelm to replace the retiring Pat Large on the Downtown Development Authority. Carter moved to accept the nomination, seconded by Holland. Motion carried 4/0. Collins administered the Oath of Office.

Zellner presented a proclamation designating Friday, November 4, 2005 as Jeane Williams Day in honor of Ms Williams' many years of service to Villa Rica and to her community as Ward IV Councilmember. Carter moved to adopt the proclamation, seconded by Amidon. Motion carried 4/0.

Community Development Manager Eric Lacefield presented RA-15-04, a request to rezone 224 South Candler Street from Single-Family Residential (R-20) to Commercial Residential (CR) for the purpose of establishing a private practice counseling office. Lacefield said Staff and the Planning and Zoning Commission recommended approval with conditions. The conditions are (1) All buildings shall be renovated to maintain the Victorian style of the house and be residential in appearance; City of Villa Rica Building Inspections shall have final approval of all construction to ensure compliance; (2) There shall be no signage, or anything otherwise posed to represent the location as a business; (3) Owner shall install PVC or wood privacy fence with a buffer width of 20 feet consisting of existing vegetation, medium size screening trees adjacent to all properties zoned Single-Family residential. Buffer requirements are described in Article 7.1-2 in the Zoning Ordinance. Final approval shall be made by the Villa Rica building inspector; and, (4) A detail landscape plan shall be submitted for review and approval to the Planning and Zoning Department and shall meet or exceed the City's landscape ordinance and support the buffer requirements as described in Article 7.1-2 in the Zoning Ordinance. The applicant Theresa Masek and property co-owner Sherry McCoy addressed the Council. Ms Masek said they are both licensed professional counselors. They plan to renovate the structure at 224 South Candler and open their counseling business at that location, offering private counseling. Collins opened the floor for public comment. Bill Taylor, representing the DDA, said the plans for this location are consistent with the DDA's desires for the downtown area. There being no further comments, the floor was closed. Carter moved to accept the rezoning request with the conditions as stated, seconded by Holland. The motion carried 4/0.

Lacefield presented RA-01-05, a request by Mirror Lake LLC to alter the zoning conditions set forth in RA-16-03 which required that no development permits would be issued for a 28 acre site at Conner Road between The Preserve at Mirror Lake and the Mirror Lake Elementary School until the north Wastewater Treatment Plant capacity increased to 1.5 million gallons per day. In RA-16-03, the 28 acre site was approved for 188 quadplex units with the North Plant sewer capacity restriction. Ashley Place subdivision was approved for a total of 150 single-family units on 46 acres with no sewer capacity restrictions. Lacefield said the applicant is requesting to remove the zoning condition from the 28 acre tract, to be called Agan Square, and build 99 upscale, single-family units there rather than the 188 quadplex units. In exchange, they want to transfer the permitting restriction to 99 of the 150 units at Ashley Place Phase II leaving 51 units in Ashley Place with no permitting restrictions. The total number of units for the two subdivisions, as well as the overall number of Mirror Lake PUD units, would be reduced by 89 units. Lacefield said the applicant has agreed to the condition of paving the access road to the lift station in that area. Lacefield said all other conditions set forth in RA-16-03 will remain unchanged. Applicant representative Doug Coats addressed the Council. He said the Agan Group, a local contractor family, would be building the houses in Agan Square. Coats said A V Agan and his sons Greg and Steve are very high quality builders who have done excellent work in both Mirror Lake and in the Douglas County PUD of Chapel Hills. Coats said the yards would be sodded and no vinyl siding would be used. Collins opened the floor for public comment. There being none, the floor was closed. After a brief discussion, Carter moved to approve the request, seconded by Holland. Motion carried 4/0.

Lacefield presented the reconsideration of RA-12-04 as ordered by an appeals court judge. RA-12-04 is a request to rezone approximately 0.40 acres from R-20 to Commercial Residential (CR) for the purpose of building an upscale restaurant. David Mecklin said that the request was first heard by Council in November of 2004 at which time it was denied. Upon appeal by the applicants, Emily Holcomb and Loic Connan, (d/b/a The Red Brick), to the Superior Court of Carroll County, and based on factors revealed in that appeal, the judge remanded the case back to the Council for further consideration. Mecklin said an issue has been raised concerning a possible property line dispute and reminded the Council that in the past they have postponed hearing cases until such time as all property disputes were resolved. Mecklin said it has been brought to his attention that this dispute has apparently been resolved in that the applicant has produced documentation agreeing to the property line being the center of the creek as asserted by adjoining property owner Patty Smith. Mecklin suggested that Council consider making this resolution of the dispute a part of the condition of approval if so approved. Applicant representative, attorney Sam Price, 514 W Bankhead Hwy, addressed the Council. He explained boundary dispute, saying that when the property was surveyed, offset pins on the Smith side of the creek were used as the property line. Price said Ms Holcomb has no problem signing a quit claim to Ms Smith to return the property line to the center of the creek. He also assured Council that the required planted buffers would be installed as well as all other required conditions of the original application and City Code. Jay Davis, 216 South Carroll Road, who will be the builder, confirmed that the applicants have reduced the original square footage from 2200 to 1800 square feet and have made other design changes to accommodate the required number of parking spaces. Collins opened the floor for public comment. The following citizens spoke in favor of the project and endorsed the Red Brick Restaurant: Susan George, 2436 Ridgelake Drive; Carol Grubsted, 514 W Bankhead Hwy; Dennis Lingle,

625 Punkintown; Brad Morrell, 1 Community Square; Rick George, 2436 Ridgelake Drive; Karen Miracle, 2716 Mariner Way; Charlie Anduze, 4275 Cole Road; Paul McWilliams, 90 Oak Walk; and Bill Taylor representing the DDA. Speaking against the project first was Patty Smith, 211 South Carroll Road. She is the adjoining property owner who was in the boundary dispute with the applicant. Ms Smith said she wants to keep the neighborhood residential. Collins read a letter brought to him by the other adjoining property owner, Jacob North, 221 South Carroll Road, asking Council to deny the rezoning to commercial in a residential area. Tim Tyson, 211 South Carroll Road, asked about a time frame on the boundary line resolution. Mecklin provided clarification on that. Sandy Richardson, 237 South Carroll Road, spoke against the rezoning in that she believes it will not be “low-key” commercial in a residential area. With no further comments, Collins closed the floor. After further discussion, Carter moved to grant the rezoning request with the original two conditions plus a third condition that the boundary dispute be resolved prior to the issuance of any permits. Lacefield read the original two conditions which are (1) the restaurant building shall be constructed of brick, stone, stucco or any combination thereof and shall be residential in appearance. Community Development Staff shall have final approval of all architectural plans to ensure compliance. (2) Signage shall be a ground base monument signage constructed with masonry materials, with a maximum height of 10 feet. Holland seconded and stated that the original decision was never against the Red Brick. The decision was against any restaurant in a residential area. Best concurred but added that according to the Comprehensive Plan models, South Carroll Road will eventually become a commercial corridor within the next 5 to 15 years. Best, Carter and Collins thanked the citizens for the good attendance and invited them to be a part of every Council meeting as well as the Comprehensive Plan meetings. Collins called for a vote. Motion carried 4/0.

Zellner presented a resolution to set the qualifying fees for the November 2005 elections at \$81.00 for candidates of each of the three wards affected, Wards III, IV and V. Carter moved to approve the resolution, seconded by Amidon. Motion carried 4/0.

Zellner presented a resolution authorizing the City Manager to enter into an agreement with Chattahoochee-Flint Regional Development Center for the preparation and production of a master plan for the downtown area. The cost of the agreement would be \$16,225 and would be paid by the Downtown Development Authority and the Villa Rica Board of Tourism. Holland moved to accept the resolution allowing the City Manager to sign the contract, seconded by Carter. Motion carried 4/0.

**CITY UPDATE:** Zellner thanked those involved for the completion of the new Council Chambers. There are a few things still to be done but everything should be completed by the March meeting.

Zellner reported on the results of a meeting with the DOT concerning the Highway 61 bypass. He said the DOT plans to begin purchasing rights-of-way in 2007 and begin letting contracts in 2010.

The traffic light installation project at Conner Road and Mirror Lake Boulevard has received the engineering design work but there is an issue with a developer in that if this developer’s project has not reached completion when the City moves forward with the traffic light installation this developer may have to move and re-install the City’s work. Meanwhile, the Police Department is providing an officer at that intersection twice a day during peak traffic hours at a cost of \$90.00 per day. With the \$731 per month rent on the portable traffic light, manning this intersection would have an annual cost of

\$30,000 in rent and payroll. Zellner said the traffic light poles have been ordered and are being manufactured. The engineer believes the light will be operational by June. Zellner thanked the citizens for their patience.

Collins opened the floor for public comment. Linda Martin, 2313 Shoreline Parkway, thanked the Council for their decisions at this meeting. Kevin [last name and address unknown], asked the Council to keep in mind, if considering any changes in the East Industrial Park, that nearby homes will be impacted. Mike Williamson, 3411 Doe's Court, thanked Council and asked about the City installing a sidewalk from the North Village area to the Publix Shopping Center similar to the one installed by the developer from the South Village to Publix.

Collins said he has had requests for traffic control at Industrial Boulevard and Highway 101, the three way intersection. With the completion of an elementary school and a number of subdivisions on Highway 101, traffic has increased tremendously. He asked about getting an officer to direct traffic there. Holland asked if Chief Ned Watson could put a traffic counter at that intersection. After further discussion about dangerous or highly used intersections, Holland asked City Clerk Chastain to add a traffic discussion to the March 2005 agenda.

Carter moved to adjourn to Executive Session for the purpose of discussing pending legal matters, seconded by Best. Motion carried 4/0. Adjourned at 9:00 p.m.

Holland moved to return to regular session, seconded by Carter. Motion carried 4/0. Returned to regular session at 9:10 p.m.

Collins announced no action was taken in Executive Session

With no further business, Carter moved to adjourn, seconded by Holland. Motion carried 4/0. Meeting was adjourned at 9:11 p.m.

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J Allen Collins - Mayor

ATTEST:

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Bob Zellner – City Manager