

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, March 1, 2005 in the 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 45 people were in attendance.

Collins called the meeting to order at 7:00 p.m. The invocation was given by Councilmember Carter. All recited the pledge of allegiance. Collins recognized visiting Boy Scout Troup 602 and Scout Master Tony Evans. The Scouts were at this meeting to work on merit badges.

The minutes from the February 1, February 21 and February 22, 2005 meetings were approved as presented.

Zellner presented a resolution to approve the City Manager to sign an intergovernmental agreement with the Carroll County Tax Commissioner to continue to collect taxes for the City. Amidon moved to accept the resolution, seconded by Carter. Motion carried 4/0.

Holland initiated a discussion on noise violations in the City. He pointed out that the current noise ordinance allows no greater than 65 decibels from 7:00 a.m. to 7:00 p.m. and no greater than 60 decibels at all other times in residential areas. Holland said he has received complaints from citizens that 7:00 a.m. is too early, especially on weekends, for the exponential increase of the five decibels. Carter pointed out that the Powder Springs ordinance, provided for comparison, requires five decibels less in all occasions. Holland asked the Council to think about this and bring it back up next month for possible changes in the ordinance.

Collins discussed a traffic problem which had been brought up in Public Comments at the February 1, 2005 meeting. He said the intersection of Highway 101 and Industrial Boulevard creates a traffic problem during peak traffic hours and requested the Council consider placing a salaried police officer at the intersection for one and a half hours in the mornings and again in the evenings. Holland pointed out that the vast majority of the traffic entering town would not be citizens of Villa Rica and suggested the City solicit help from the County since the vast majority of these people would be county citizens going through the City. Best agreed with the idea of soliciting County assistance. He calculated the cost to the City for posting an officer at the Mirror Lake intersection was \$23,000 per year in overtime costs. Collins interrupted Best to ask Chief Ned Watson how many salaried officers the Police Department employed. Chief Watson said only four certified officers were salaried. Holland called a Point of Order on Collins that Best had the floor. Best questioned the prudence of removing an officer from patrolling the city in order to accommodate motorists passing through the city. Amidon pointed out that the Mirror Lake intersection would be taken care of by a traffic signal in a few months while the Industrial Boulevard intersection could need assistance indefinitely. Collins said he wanted to see the City do something. Amidon suggested the State could install a right turning lane on south bound Highway 101 and have that third lane

continue for a ways on Industrial Boulevard. After further discussion Collins called for the Council to take some kind of action to man the intersection. Holland moved to have an officer posted at the Industrial Boulevard intersection for whatever time the Chief of Police deems necessary for the morning and afternoon and to request assistance from Carroll County in the form of manpower or funding. Carroll County Commission Chairman Robert Barr was present at the meeting and Collins asked him to address the Council on his thoughts on this matter. Barr said any funding would have to come from the State. He mentioned a traffic signal was going up at the intersection of Highway 78 and Van Wert Road at the western border of the City. Amidon suggested that a City officer should only be used at Industrial Boulevard for morning traffic when Fullerville residents and others coming directly from the center of town would be most affected. If traffic control was needed in the evening, it should come from the County. Holland amended his motion to say “whatever the Police Chief deems necessary” [omitting “for the morning and afternoon”]. Carter seconded the motion. Motion carried 4/0.

Zellner introduced Planning Manager Taurus Freeman who joined the staff in January. Freeman presented VA-01-05, a request to vary from the Zoning Ordinance requirement to limit accessory structures to a maximum area for 500 square feet. The applicants, Richard and Rhonda Cangemi, 423 Edge Road, were seeking to build a 1500 square foot accessory building behind their residence to house a recreation vehicle and a helicopter. Freeman said Staff and the Planning and Zoning Commission recommended approval with the following conditions: (1) The accessory structure is constructed using the same building materials as the primary structure. (2) The accessory structure will never be utilized for commercial or business uses. Collins opened the floor for public comment. Charles Cole, 425 Edgewood, spoke in favor of the applicants and said the requested variance would be an asset to the neighborhood. Mike Gill, 465 Daniel Road, opposed the request because it did not meet the requirements of the Zoning Ordinance. Gill said his own accessory building was at least 1500 square feet and he was not required to obtain a variance. There being no further comments, the floor was closed. After some discussion by Council about revising the Ordinance, Carter moved to accept the variance with the conditions as stated, seconded by Amidon. Holland asked Mecklin about amending the Ordinance. Mecklin agreed the Ordinance could be changed. Best asked Mecklin if Carter, who is a neighbor of the applicants, should excuse himself from this request. Mecklin said there is no legal disqualification here but if a councilmember is so interested one way or another as to be unfair then he or she should recuse. The applicants addressed the Council concerning the noise the helicopter could create and said it was “neighborhood friendly”. Collins called for a vote. The motion carried 4/0. Holland added a request to instruct the Staff to develop an acceptable ordinance amendment to reflect a more realistic maximum square footage on larger parcels.

Freeman presented RA-10-04, a City-initiated Non-Conforming Business rezoning request for Meadow Creek Landscape to change the zoning from Multi-Family Residential (R-14) to General Commercial (GC) for the purpose of conforming to City Ordinance. Freeman said Staff and the Planning & Zoning Commission recommended approval with one condition: Erect a six (6) foot privacy fence in the rear of the yard to screen outside storage from public. Darlene Dickerson, 2973 Marshall Fuller Road, Dallas, owns the business and the property at 821 Dallas Highway, and was on hand to answer any questions. Collins opened the floor for public comment. There being none,

the floor was closed. After a discussion on the location of the required fence, Holland moved to table the request until the April meeting to gather more information on what was necessary for this rezoning, seconded by Best. Motion carried 4/0.

Zellner introduced John Hewitt, of Hewitt Utility Economic Services, Inc., a municipal economic and rate specialist. Hewitt presented the results of a study he has conducted on the City's water and sewer revenues as compared to expenses. Hewitt commended the City for steps already taken but severely cautioned against the current practice of purchasing, from outside sources, 70% of water consumed. He applauded the City's tap fees and suggested creating an ordinance which would be reviewed annually and would set the tap fees at "x" amount to be used to fund "A", "B", "C", and so forth, in capital improvements. Hewitt also suggested setting capacity fees and said the Georgia Environmental Finance Association [GEFA] prefers setting rates that increase with water usage. He said the City's goal should be to recover all operating expenses from rates charged. Hewitt said the same principle should be applied to the sewer rates, keeping in mind that it is more expensive to treat sewer than to produce potable water. Before the City designs a new rate structure, they should decide which method will be used, such as "cost based" rates, "inverted rates" and other options. He added that GEFA is discussing making "inverted rates" mandatory before funding is granted. Hewitt also suggested the City develop its own water sources or join forces with one or both of the suppliers and buy physical capacity in their systems in order to have more control over the rates the City is charged by them.

Zellner presented an ordinance to reinstate a portion of the Water and Sewerage Ordinance, Chapter 12, Article II, Section 21-31(e) Fireline Schedule, which was mistakenly omitted when the Code book was codified in 1993 but has continued to be used by the City for over a decade to calculate Fireline rates. Holland moved to accept the ordinance, seconded by Carter. Motion carried 4/0.

Zellner presented Contracts over \$5000 totaling \$123,683.00 [one item for \$85,000 was previously approved at the January meeting and has not yet been invoiced]. Holland moved to approve, seconded by Best. Motion carried 4/0.

Council discussed the potential purchase of 54 acres on Highway 61, formerly known as Centerfields, for a purchase price of \$2,220,500.00. Zellner reported the financing would be obtained through the Georgia Municipal Association Lease Purchase program also known as "Bricks and Mortar". This financing could be for either ten or fifteen years. The property, if purchased, would be used as a Civic and Convention Center, as well as making use of the 11 ball fields, 8 volleyball courts, an amphitheater, and a 16,000 square foot sports center building which includes a commercial kitchen, batting cages and office equipment. The purchase price includes over one million dollars in outdoor lighting and bleachers. Zellner and Mecklin informed Council that if they chose to approve a resolution to proceed with the financing process, there would be public hearings, after appropriate notice, prior to actual financing or purchasing. Carter stated he would prefer to complete the budget process before making any final decision to purchase Centerfields. Mecklin said this resolution was just to start the process and not an obligation to purchase. Carter said that just to get the process started, he would move to accept the resolution, seconded by Holland. Motion carried 4/0.

CITY UPDATE: Zellner reported on the status of the Connor Road intersection traffic light. Staff has contacted Greystone Power who will be installing a temporary Mongoose light on an existing pole at the intersection until the traffic light is installed the end of June. Installation of the temporary light is \$25.00 with a monthly cost of \$15.50. The rented construction light will be returned.

Charles Welch with Stevenson-Palmer, who is doing the entrance work to Spring Lake Park, was present if Council had any questions. There were none.

Zellner informed Council that the State DOT is requiring the City to conduct a new flyover to obtain current topographical information as well as an aerial photographic update. Community Development Manager Eric Lacefield told Council that the State cannot use the 2003 aerial photograph because of the need for the topographical update of an older map. The two bids received were from Photo Science, Inc for \$40,408.24 and from LandAir Mapping, Inc. for \$49,000.00. Zellner said each company has agreed to do the initial flyover now, while the foliage was still off, for a cost of \$8,000 and the Council could approve the balance next month. Collins suggested this item was a "slide in" under City Update and not on the agenda. Amidon pointed out that if this flyover was not done by the fifteenth of March, the City would have to wait until next winter when the leaves were off the trees to attempt this. Zellner said that if this DOT required data were put off, the DOT would move on to another project. Holland moved to approve the \$8,000 flyover by the low bidder, Photo Science Incorporated, and put off the approval of the \$32,000 balance until the April meeting, seconded by Carter. Motion carried 4/0.

Zellner informed Council that he had spoken this date with Pete Frost, Director of the Douglasville-Douglas County Water and Sewer Authority. He read a resolution for an agreement of intent between the two agencies where the WSA would provide water to the City and the City would provide sewer capacity at the North Plant to the WSA. The resolution authorized the City Manager to negotiate terms and conditions of a final contract which would come back before Council. Carter moved to accept the resolution, seconded by Amidon. Motion carried 4/0.

Collins opened the floor for public comment. Mike Gill, 465 Daniel Road, thanked the Council for attempting to purchase Centerfields and suggested the consideration of implementing impact fees. Holland asked Zellner to look into a Douglas County meeting on the subject to which the City was to have been invited. Jacob North, 221 South Carroll Road, expressed extreme disappointment in the Council's decision in February to approve the rezoning request of the Red Brick after being instructed by a Superior Court Judge to rehear the case. He cited a number of examples of noncompliance on the part of the owners and developer. Mike Williamson, 3411 Doe's Court, asked for consideration of a no smoking rule. Don Camp, 8712 Bankhead Highway, asked about information they were told by the owners of Midway Wrecker Service that the City was planning to condemn and confiscate the Camps' property on Wilson Street. Collins assured him that was not the case and instructed Freeman to get with Camp after the meeting to straighten out the confusion.

Carter moved to adjourn to Executive Session for the purpose of discussing acquisition of property and personnel issues, seconded by Best. Motion carried 4/0. Adjourned at 9:00 p.m.

Best moved to return to regular session, seconded by Amidon. Motion carried 4/0. Returned to regular session at 9:25 p.m.

Collins announced no action was taken in Executive Session

With no further business, Amidon moved to adjourn, seconded by Holland. Motion carried 4/0. Meeting was adjourned at 9:30 p.m.

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J Allen Collins - Mayor

ATTEST:

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Bob Zellner – City Manager