

The Council of the City of Villa Rica met in a special called meeting on Monday, April 17, 2006 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, Joey Kelley and Woody Holland; City Manager Robert Zellner, City Clerk Jane Chastain and City Attorney David Mecklin. Approximately 12 people were in attendance.

Collins called the meeting to order at 5:00 p.m. The invocation was given by Carter. All recited the pledge of allegiance.

Collins addressed the first agenda item, mayoral veto of specific items on the Fiscal Year 2006-2007 budget. He said he did not believe this was the time to do this as it was not a regularly scheduled meeting. Mecklin read from City Code that the veto was to be addressed at the next regularly scheduled meeting. Holland asked if that precluded Council from hearing it at this meeting. Mecklin said no, if Council voted to consider it at this meeting it is within their power. Holland pointed out that the Budget was to take effect April First and it is now April Seventeenth, leaving in limbo the two issues. Mecklin asked that Council take formal action if they wished to consider this issue at this time. Holland moved to bring up the issue of the mayoral vetoes of April 11 for this meeting and possible action thereon, seconded by Kelley. Motion carried 5/0. Carter said his understanding of the vetoes was to save money but he could not see any savings on the first line item veto since the money (\$50,095) would only be switched from one department to another. Carter asked if Collins was intending to save fifty thousand dollars? Collins said he intended to put someone back in a position from which their expertise was more fitting to the City. He said he feels the City does not need that position [Safety & Training Manager] in that budget area [City Administration budget]. Collins paraphrased the letter of veto he sent to the City Clerk on April 11, 2006. Collins said two items being vetoed are the position which he referred to as Safety/Training Officer for a total (wages and benefits) of \$50,094 and, secondly, an amount of \$26,000 for the purchase of a new vehicle for the Vehicle & Building Maintenance Department. Collins said he wanted to read his veto letter into the minutes and stated, partially reading from his veto letter [in italics], "I attached a letter from GIRMA *'detailing our options if we eliminate a full time Safety/Training Officer Position. I feel we can provide a...work place for our employees for a considerable amount less than \$20.24 an hour. It is my opinion that no other city our size, or close to our size has a position of this caliber. Furthermore, I feel that we could spend the money, or in this situation, utilize the staff more effectively. I understand that each of you may have some reservations about what to do with the current employee'* Mr. Smith, *'who currently occupies the position'* as do I as well. He's been a *'dedicated employee'* of this City and should *'be transferred'* back *'to the Police Department. I understand that we have'* openings in that department that with his expertise *'he would serve our city well in the Police Department'.*" Collins went on to state reasons for his veto of the Vehicle & Building Maintenance vehicle. Holland pointed out that Collins paraphrased the letter; it was not a true reading. Holland asked Mecklin for a clarification of "line item veto". Mecklin read from the Charter, Section 2.28(d), that "the mayor may disapprove, or reduce, any item or items of appropriation in any ordinance." Collins confirmed with Mecklin that his veto action was within his authority and added that "just because something hasn't been done before doesn't necessarily mean you can't do it." Mecklin expressed surprise that the Charter was thusly worded. Collins said he and the legal

counsel he had consulted had interpreted it that way. Holland addressed the second veto item and said he had been informed that the department was currently using a big truck where a little truck would work thereby wasting money on fuel. Zellner explained that the intent for purchasing that vehicle was to transfer the existing service truck to the sidewalk project staff for hauling their specific equipment then surplus out and sell the F750 dump truck currently being used for that purpose. Collins said whether one is using a new truck or an old truck, when “traveling five hundred yards and stopping and going here and there you’re not going to save a whole lot of money on gas”. Kelley said he understood that the purchase of a new truck was due to the existing truck being worn out but if it was good enough to transfer to another department then he has a doubt on purchasing a new one. Zellner said the Vehicle and Building Manager, Charles Davis, had begun to repair that truck due to the veto letter. He said it had been leaking oil profusely but Davis was rebuilding it, which is the second rebuilding for that engine. Davis addressed the Council on the intended use of the existing service truck and the proposed new truck. Davis said the service truck (an F350) contains equipment to service the City’s heavy equipment and, even if transferred to the sidewalk crew, it could still be used for that purpose as well. The F150 extended cab he was proposing to purchase would be used to transport community service workers and work-detail inmates so that those crews could work in multiple locations and better serve the City. Collins suggested Davis use the 16-passenger van the Police Department uses to pick up inmates for court. Davis said it is his understanding that he cannot use vehicles purchased with Seizure money. Mecklin said the van cannot be used for something in the public works area of the City’s operation. Davis said the current vehicle will be rebuilt soon and the sidewalk crew can continue to use the five-ton, twenty foot dump truck they are using now. After some further discussion on the uses of the existing vehicles, Holland asked if the two items vetoed could be considered separately. Mecklin said yes. Kelley told Carter that upholding the veto of the Safety and Training Manager position would “in theory” be “doing away with the position”. Carter pointed out that this would do away with the position “but not the money, you’re not saving the money”. Kelley said he understood that, but the person would be transferred to the police department and take a position there and “his expertise is in training police officers and is a police officer himself.” Kelley said the money would be spent more wisely at the police department than at City Hall. Carter asked “is he not training everybody in the City now?” Kelley said, “I don’t know what he does.” Carter verified with Chastain that Smith was indeed involved in training all city personnel. Kelley asked Chastain if it was correct that Smith was originally at the Police Department. Chastain said yes. Kelley asked if it was correct that the City created the position Smith now occupies. Chastain said yes, during the administration of Lamar Moody. Collins said, “I didn’t agree with it then and I don’t agree with it now, that’s why I chose to veto it.” Chastain pointed out that Smith does more than the Safety & Training position implies. Holland suggested that if someone wanted to override the Safety & Training position they should do so, if not, the Council should move on to something else. Carter asked how the City would conduct safety and training if the position were eliminated. Kelley suggested that the department heads should be in charge of that. After further discussion on this, Collins said that “this is a managerial action on what the alternatives are” and that the city should look to what other municipalities do to “get a feel for it”. Carter said he was not yet ready to take action on the position. Holland moved to override the veto on the truck purchase, seconded by Carter. Motion carried 4/0 with Kelley voting against.

Collins opened discussion on a property disposition policy. Council asked if there was a report from S&ME on the Phase II environmental study of the Avanti property. Zellner said there was a verbal report and he was expecting a written report by the end of the week.

Council was provided with city codes from four other municipalities. Mecklin asked that Council especially consider the code from the City of Macon because it most closely tracks the State law which sets forth what is ultimately required. Mecklin said the basic action on the sale of public property is to advertise and then solicit sealed bids with the stipulation that the City reserves the right to refuse any and all bids. Council discussed who should draw up a code and agreed that Mecklin should be closely involved. Carter moved to instruct the City Manager and City Attorney to put together an ordinance for Council consideration at the next meeting, seconded by Best. Motion carried 5/0.

Zellner presented a request to purchase three 2006 Crown Victoria police vehicles which need to be ordered by April 24, 2006 in order to receive model year end saving. Holland moved to create item 6a on the agenda to consider the purchase of three police cars, seconded by Kelley. Motion carried 5/0. Zellner said the funds were incorporated in and covered by the FY06-07 budget. Zellner presented three bids which came from Don-Rich Ford in Villa Rica, Allen Vigil Ford in Fayetteville which has the State Contract, and Pioneer Ford in Bremen which presented the lowest bid. Council discussed what equipment was included in a Crown Victoria Interceptor police package. Holland moved to purchase three police cars from Pioneer Ford-Mercury in Bremen, Georgia, for a price of \$18,000 each plus a \$100 deductible on the power train warranty of \$2,450 each. Collins asked Holland to add the line "if the price changes above the total of \$55,350 it will be brought back before Council". Holland added the line. Kelley seconded the motion. Motion carried 5/0.

Collins opened the floor for public comment. There being none, the floor was closed.

Carter moved to adjourn to Executive Session for the purpose of discussing pending and potential litigation, personnel matters and purchase of real estate, seconded by Holland. Motion carried 5/0. Council adjourned at 5:40 p.m.

Mayor Pro Tem Best reconvened the meeting in Collins' absence. Carter moved to return to regular session, seconded by Holland. Motion carried 5/0. Returned to regular session at 7:00 p.m.

Best announced no action taken in Executive Session.

With no further business, Holland moved to adjourn, seconded by Kelley. Motion carried 5/0. Council adjourned at 7:01 p.m.

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J Allen Collins - Mayor

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Verland Best - Mayor Pro Tem

ATTEST:

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Robert Zellner – City Manager