

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, January 6, 2009 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, Woody Holland, Joey Kelley and Shirley Marchman; City Manager Larry Wood; City Clerk Reedell Saxon and City Attorney David Mecklin. Approximately 22 people were in attendance.

Collins called the meeting to order at 7:00 p.m.

The invocation was given by Holland. All recited the pledge of allegiance.

The minutes from the December 2 and December 5, 2008 meetings were presented. Marchman asked if Community Development Manager Taurus Freeman was officially in that position or still “interim”. Wood said he is still interim. Amidon moved to accept the minutes with the correction of “interim” added appropriately, seconded by Best. Motion carried 5/0.

Holland moved to nominate the present Mayor Pro Tem, Councilmember Best, to serve another annual term, seconded by Amidon. Motion carried 5/0.

Collins reappointed the 2008 standing committee members to serve for 2009. They are as follows: Holland, Kelley and Marchman to serve on the Recreation Advisory Board; Best, Holland and Kelley to serve as *ex officio* members on the Housing Board; Best, Amidon and Marchman to serve on the Library Advisory Board; and Kelley, Marchman and Best to serve on the Public Safety committee. Collins instructed Saxon to get notification to the appropriate council members of upcoming dates and times for the respective meetings.

Collins confirmed each Councilmember’s nomination to the Planning and Zoning Commission: Robert Frances – Ward 1, Kurt Kraft – Ward 2, Bakari Turner – Ward 3, Polly Oliver – Ward 4, and Mike Gill – Ward 5. Holland moved to approve the appointments, seconded by Kelley. Motion carried 5/0. Collins administered the oath of office to the Commissioners who were present. The absent members will be sworn in at the next Planning and Zoning meeting.

Wood presented the financial update for FY2008-09. He noted cash reserves are \$1.9M in the General Fund (GF) and \$6M in the Water/Sewer Reserve Fund. Wood said that [fiscal] year to date the City’s GF revenue was \$5.6M which was approximately one million dollars ahead of his original projection and the expenditures are at \$6.6M. More revenue is expected as is typical in the fourth quarter of the fiscal year. He said the year should finish at approximately \$200,000 in the black. The water fund has received \$4M in revenues with \$3.3M in expenditures.

Collins recognized the visiting Carroll County Sheriff, Terry Langley, who addressed Council about the excellent partnership between the City of Villa Rica and the Carroll County Sheriff’s Department. He also thanked the City for the donation to the new West Metro Regional Drug Enforcement headquarters and provided an update on the progress of that facility. The sheriff pledged to, over his next four year term, work with and for the City. Additionally, Sheriff Langley said the County will be contributing toward the purchase of a K-9 to replace the recently deceased “Oscar”. This dog will benefit both agencies.

Under Old Business: Marchman requested the reconsideration of the purchase of two police cruisers which had been approved by Council but vetoed by the Mayor last Fall. Collins said he would support the purchase if Council would wait until March to consider this. Marchman said these units had been budgeted and were needed now. She noted that crime is on the rise in Villa Rica. Marchman moved to authorize the purchase, seconded by Amidon. Motion carried 4/1 with Holland opposed. Holland noted that Staff had recommended omitting the \$2250 power train warranty per vehicle. Kelley asked if Marchman's motion included the omission of the power train warranty. She said it did.

Wood told Council that engineering design changes, at City request, have limited the Norfolk Southern property involvement. This will likely bring the amount of the railroad's request to between \$10,000 to \$13,000 instead of the original \$53,000 Norfolk Southern had quoted. Wood said he hopes to have a firm amount in February.

Under New Business: Wood asked Parks and Recreation Director Jeff Reese to speak about the 2008 Employee of the Year, Courtney Powell, who was officially recognized at the City Christmas Luncheon in December. Powell had not been notified to be at the Council meeting. Reese praised Powell for his outstanding performance in helping the City to be recognized for family-oriented activities. Powell started the summer day camp, which has won a State award, began the annual fireworks extravaganza, and added other well-received family-oriented functions. The audience applauded him *in-absentia*.

Wood presented the January 2009 Employee of the Month, Utilities Distribution employee Jimmy Rowe. Wood praised Rowe for his dedication and willingness to come in after hours to repair broken water lines and other emergencies. Rowe was on hand to accept the plaque and check.

Collins asked about the 2008 Parks and Rec Volunteer of the Year resolution listed on the Agenda. Reese said this item needs to wait until after the banquet on January 17, 2009. Holland moved to postpone until February, seconded by Kelley. Motion carried 5/0.

Wood presented a memo from former Library Branch Manager Suzanne Watson regarding the appointment of a replacement to the Carroll County Library Board due to the resignation of the previous appointee. Watson's memo recommended Wood who acknowledged his willingness to undertake this appointment. Best moved to accept the recommendation, seconded by Marchman. Motion carried 5/0.

Interim Community Development Manager Taurus Freeman presented ORD-09-01-ADM, an amendment to the City's vehicle ordinance to allow the use of golf carts on certain City streets. Collins noted that some subdivision communities do not have sidewalks and residents must drive or walk on the street to get to common amenities such as playgrounds, clubhouses and pools. Kelley said his constituents initially brought this idea to him in order to legalize the use of golf carts on the streets of self-contained communities. Kelley objected to the ordinance's use of the term "golf community" since there are other neighborhoods which could benefit from this. All agreed carts would never be legal on main thoroughfares such as Punkintown, downtown streets, or Highway 61. Mecklin suggested there be language for allowing Homeowner Associations to approve or disapprove carts. Collins asked Larry Coors, 115 Maple Valley Drive, for input as a homeowner in a self-contained community. Coors said carts are already being used to access the lake at Maple Valley for fishing. He suggested the City address tax on fuel and on carts as a way of funding street widening. Holland also noted that problems could be created since there are other vehicles, such as ATV's, "mules" and other four-wheel recreational vehicles. He

asked Mecklin if acceptance of the ordinance would open the City to having to approve these other vehicles. Mecklin said Council could accept or not accept any vehicles as they thought best. Collins suggested it would be prudent to make the suggested changes and present this in February.

Wood presented a request from the Carroll County Map Room to adopt the “unnamed” street which the City knows as Ball Park Drive, leading to the Fullerville Park soccer fields. This action is needed in order for the County to remove the street from its current inclusion in a City-owned parcel and upgrade their mapping system to include the appropriate street name. Holland asked if Reese was happy with the name. He said yes. Collins suggested the street be named “Fullerville Ballpark Drive” due to the historical nature of the Fullerville community. Holland so moved, seconded by Best. Motion carried 5/0.

Reese presented a request to reallocate \$85,000 in 2003 SPLOST funds in order to finish some projects underway at the Villa Rica Civic Center and Sports Complex. The funds are designated for recreation and are currently budgeted for use at Spring Lake Passive Park. Kelley asked Mecklin for a legal opinion. Mecklin said if the language states it is for use in recreation it is alright to transfer to another recreation project. Reese assured Council the Spring Lake funds would be replaced with 2008 SPLOST funds. Following discussion on the best immediate use for the existing funds, Kelley moved to reallocate the \$85,000 under the condition that it be replaced with 2008 SPLOST funds when they become available, seconded by Best. Motion carried 5/0.

Wood presented a resolution to set 2009 qualifying fees for Wards 3 through 5 Council Seats which are scheduled for election this year. Based on the standard 3% of the \$2400 annual salary for each position, the fee is proposed at \$80.00. Holland suggested there be consideration given to changing election years of mayor and one council seat so that the seats involving the opening of the Douglas County Polling Place, mayor and ward 4, are considered on the same year. That change would save the City a few thousand dollars every other year. Mecklin suggested this could be accomplished more efficiently if incorporated in the redistricting anticipated from the 2010 U S Census. Following the discussion, Kelley moved to approve the \$80.00 qualifying fee, seconded by Marchman. Motion carried 5/0.

City Accountant Shari Smith presented a proposed revision to simplify calculation of the annual Occupation Tax by Villa Rica businesses. Currently there are two tables which businesses with gross receipts over \$450,000 must use for calculating Occupation Tax. Businesses must pay the greater of either the flat tax under a two class system or a percentage of their gross revenue under a five class system. Staff recommendation is to change to a one table, five class system which would be revenue-neutral to the City and simpler for businesses. It would have no impact on approximately 50% of Villa Rica businesses and a reduction in taxes on approximately 37% of the businesses. Collins asked about the type of increase the remaining businesses would see. Smith said businesses reporting more than \$900,000 in gross receipts would see increases from 4% to 25% (those businesses earning more than \$9,000,000) over this year's rate. Wood said this was still lower than some of the surrounding agencies. The actual Ordinance amendment will be presented at the February meeting. Mecklin agreed that waiting until February was a good idea in order for there to be media coverage and constituent input to Council. Wood told Council the change, if approved, would take affect in 2010.

Wood presented six items under Consideration of Contracts,

1. Health Insurance Administrator – change in insurance brokers from MSI Benefits Group to the larger Northwestern Benefit Corporation of Georgia on a six month trial basis. There is no cost to the City for broker service; however the City expects this broker to negotiate a better deal on employee medical insurance and other benefits in the future as well as provide more assistance to Human Resource on medical issues. After some discussion, Holland moved to change the health insurance administrator to Northwestern Benefits Corporation of Georgia, seconded Amidon. Motion carried 3/1 with Best opposed and Marchman abstaining.
2. Workers' Compensation Provider – The Georgia Municipal Association is the current provider of Worker's Compensation Benefits. Staff is currently investigating an offer from a company which guarantees the City a \$30,000 savings. However, the City is meeting next week with GMA staff to discuss all the programs in which the City participates. Wood asked that this be delayed until staff obtains more information. Holland said he is not comfortable with this and the previous item in which unsolicited bids are being considered by outside sources who are trying to knock someone out. He said the City should consider opening these up to anyone who is qualified to bid.
3. Avanti Fire System Modification – Prior to any demolition of the two old mill buildings at the future City Complex, the fire sprinkler system must be modified to cap the circuits from those two buildings and reconnect the remaining circuits in the rest of the complex. Lewis Fire Protection has quoted approximately \$12,000. However, for \$650 Lewis will just cap off from the old building until there is a need to reconnect the remaining system. Kelley asked why this is being done now since Council has never officially voted to approve a project ("The Mills") to go in place of the old buildings and funds are not yet in place. Holland agreed that there has never been a vote on the project. Collins asked Wood if funds have been budgeted for asbestos removal and demolition. Kelley objected to spending funds now to prepare for a project which has not been approved by the Council. Holland moved to postpone items 3 and 4 until February under the title "do we tear down the buildings next door", seconded by Amidon and Best. Carried 5/0.
4. Asbestos Abatement, Old Mill Buildings 1 & 2 – Urban Metro Contractors (see item 3)
5. Water Tank Maintenance – Annual renewal of maintenance contract for the Sunset Tank off Thomas Dorsey Drive (\$8,411.58) and the Mirror Lake Tank (\$15,698.40) for a total of \$24,109.98. This is a budgeted item. Utility Services Inc is the bid winner from six years ago and maintains most of the City's water tanks. Holland moved to enter into the annual contract with Utility Services for \$24,109.98, seconded by Kelley. Motion carried 5/0.
6. Avanti Roof – Grissom Roofing. Wood pointed out this is in the same category as items 3 and 4 and staff will bring this back next month as instructed.

Wood presented one item for Payments over \$5,000.

1. Pettus Construction, \$5,666.00 for use of an item not included on the original bid. The item, a hoe-ram, was needed to break up rock blocking sewer line installed. Holland moved to approve the payment, seconded by Amidon. Motion carried 5/0.

Wood presented a brief City update: (1) The Notice of Award to RTD Construction for the West Wastewater Treatment Plant, with Change Order #1 lowering the original bid to \$30,797,000, was signed December 19, 2008. The Notice to Proceed is expected to be released February 2, 2009. (2) The Library air conditioning heat pump unit failed this date. Building and Vehicle Maintenance Manager Charles Davis is going to attempt minor repairs

but the unit may have to be completely replaced. If so, the Library may have to be closed temporarily until the emergency replacement is in. (3) The Carroll County Water Authority agreement to purchase sewer capacity from the City was signed by Director Matt Windom and the Mayor this past week. (4) Collins reported the results of a presentation by some City staff to the Carroll County Board of Commissioners regarding a greenspace project known as “The Mills”. As a result, the BOE awarded the City \$400,000 for use on the presented greenspace project.

Mecklin said there was no need for Executive Session but he had a report on the Brown Estate case. The sewer line easements have been surveyed and easement documents are being prepared. He expects this case to be closed in a few weeks.

Collins encouraged the community to attend the Ecumenical Service at Mount Prospect on MLK Day, January 19, 2009 at 6:00 p.m.

Collins said he and others have discussed moving public comments toward the beginning of the meetings. Prissi Sullivan, reporter for the Star News, said that doesn’t work well at Temple because some citizens, during the early public comment section, read aloud every item on the agenda wanting explanations for each item to decide if they want to comment. Collins suggested having comments at both the beginning and end. Some Councilmembers disagreed. Best said the earlier public comment time would give them input from their constituents. Bernice Brooks, Reed Road, pointed out that since the agenda is posted on the City’s website the public would know what is coming up and there would be no need for public comment before the meeting. Marchman pointed out that if the comment section was before the body of the meeting then citizens could not comment on something Council does during the meeting. Mike Gill, 465 Daniel Road, said he also preferred comments at the end of the meeting but if it were to be modified, he would prefer somewhere in the middle of the meeting rather than at the beginning. Best cautioned against changes which could become “public debate” rather than public comments. Council took no action.

With no further business, Holland moved to adjourn, seconded by Best. Motion carried 5/0. Council adjourned at 8:52 p.m.

J Allen Collins – Mayor

ATTEST:

Reedell Saxon – City Clerk