

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, November 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, Woody Holland and Joey Kelley; City Manager Robert Zellner, City Clerk Jane Chastain and City Attorney David Mecklin. Approximately 35 people were in attendance.

Collins called the meeting to order at 7:00 p.m. The invocation was given by Amidon. All recited the pledge of allegiance.

The minutes from the October 4, 2005 meetings were approved as presented.

Zellner introduced Michael Mansour, the newly appointed Chief of Police.

Chief Mansour presented a Resolution of Appreciation to the Villa Rica Police Department generally and to DARE Officer Anna Brittain specifically for dedication to assisting students and faculty at the various schools within the city. Carter moved to adopt the resolution, seconded by Best. Motion carried 5/0. Collins thanked Officer Brittain for her work.

Collins asked for a motion to move item 12, Red Hat Society Proclamation, to item 5a. Carter so moved, seconded by Amidon. Motion carried 5/0.

Zellner presented a Proclamation to name Wednesday, November 8, 2005 as Red Hat Appreciation Day in recognition of the Villa Rica Red Hat Society. On that day, the Red Hat's will host area Red Hat members for shopping and lunch in the City. Carter moved to accept the proclamation, seconded by Holland. Motion carried 5/0. Fay Easterwood, representing the Red Hats, presented Collins with a red hat.

Holland reminded those present that next Tuesday, November 8, 2005 is Election Day and encouraged every one to exercise the right to vote.

Kelley extended congratulations to City Manager Zellner on the marriage of his son two weeks ago and also expressed condolences to Zellner for the loss of his brother-in-law, Mrs. Zellner's only brother, last week. Kelley praised Zellner for pulling together the council meeting's agenda during those difficult times.

Collins presented the vetoed ordinance to change the number of councilmembers required to request a called meeting. This ordinance was adopted at the September meeting by a 3/2 vote. It was vetoed by the mayor September 14, 2005. This item was tabled at the October meeting by a 5/0 vote. Carter challenged Collins' remarks in the veto letter concerning limitation of representation. Carter said the requirement to obtain the support of three other councilmembers, rather than two, in order to request a called meeting would limit his representation to his ward. Carter moved to override the veto. Collins said this ordinance would allow three councilmembers to call a meeting and to take action at the meeting as a majority. Carter pointed out that the ordinance only affected the number of officials needed to call for a meeting. All other officials would then be notified of the date and time of the requested called meeting in order to provide the opportunity for all members of council, including the mayor, to be present. Carter reminded Collins there was a motion on the floor. Holland seconded the motion. Kelley said he still sees no need to change an ordinance which has worked for a hundred years. Carter again stated that called meetings would be set for a time when everyone

could be present. Collins called for a vote. Motion to override the veto carried 4/1 with Kelley opposing.

Taurus Freeman, Zoning Manager, presented an ordinance to define the terms used for enforcing Zoning Ordinance Section 8.9-6 pertaining particularly to the terms “yard” and “grass” as it applies to property maintenance. Holland asked if the ordinance precluded wooded and natural areas which have always been so. Freeman affirmed the ordinance only applied to those areas which have been converted into what would commonly be considered as yards. Holland moved to adopt the ordinance revision. Mecklin inquired if this ordinance change had been advertised. Freeman said it had not. Mecklin instructed Council this would have to be advertised and heard by Planning & Zoning before Council could act. Holland asked Freeman to incorporate this ordinance into the new Zoning Code.

Zellner opened the discussion on water rate increases then turned the discussion over to Carter who had provided two options on rate increases. Carter’s proposals would eliminate the reduced rate for water consumption over 12,000 gallons per billing cycle. One option would increase, over a period of three years, the point of usage where a reduced rate would apply. The other option would increase the rate, over a two year period, to the point where one rate would apply to all usage. Then on the third year, the rate for water usage over 12,000 gallons would be higher than the rate for usage under 12,000 gallons. Both options would raise the cost per 1,000 gallons for both sprinkler rates and outside-the-city rates. Collins asked about the recommendations of the paid consultant [John Hewett]. Carter said Hewett’s stepped rate recommendations would create a burden on city personnel who would have to take the time each year to determine which category each customer fell into. Holland agreed and pointed out that the options he and Carter were proposing were a simplification of what Hewett had proposed. Kelley asked City Accountant Larry Wood if he had any input. Wood said there has been a ten percent increase in what the City is paying Carroll and Douglas Counties. Zellner said the options Carter presented would amount to about ten percent. Kelley and Collins insisted that Wood “run the numbers” to verify if the increases would be sufficient. After further discussion Holland moved to table this until the next meeting, seconded by Kelley. Motion carried 5/0.

Zellner presented the revised City Personnel Policy. He informed the Council that he has received a request for changes from Mecklin on wording for the drug testing requirements. Zellner asked Council to consider tabling this item until December. At Council request, Mecklin specified the law on drug testing on government employees and the fact that it is different from testing requirements on private sector employees. Mecklin promised to provide a memo of the proposed changes to the policy as soon as possible for Council review. Kelley moved to table until the next meeting, seconded by Holland. Motion carried 5/0.

Zellner presented a request for reappointment of Barbara Luther to the Recreation Advisory Committee. Amidon moved to reappoint Ms. Luther, seconded by Carter. Motion carried 5/0.

Zellner presented a proclamation to name Sunday, November 13, 2005 as Retired Educators’ Day. Carter moved to approve the proclamation, seconded by Holland. Motion carried 5/0.

Freeman presented an application for an alcoholic beverage license for the sale of packaged beer and wine for Rockdale Grocery, Inc., d/b/a County Market at 664 W Bankhead Hwy. It is located in the building former occupied by Winn Dixie/Save Rite grocery store. Bobby Priest, of Rockdale Grocery, Inc., addressed the Council and reported that the company, which has been in business for about 20 years, has a number of other stores around Georgia and that these stores also sell beer and wine. Carter moved to approve the license, seconded by Amidon. Motion carried 5/0.

Freeman presented a request to rezone approximately 9.22 acres on Prospect and Gold Pan Drives off Industrial Boulevard from General Industrial to General Commercial. The applicant, AmeriSouth, Inc., Carrollton, GA, has subdivided the property into commercial lots of approximately one acre each. Freeman said the Planning & Zoning Commission has recommended approval with the following six conditions: 1) The development shall install underground utilities; 2) All exterior lighting shall be of moderate brightness and shall be downcast, which will not impose excessive lighting on adjoining properties; 3) Pole-mounted lighting fixtures in the parking areas shall be limited to no more than forty-two (42) feet above grade at the base of the pole; 4) All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; textured, pre-stressed concrete systems approved by the Community Development Director; or glass; 5) Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Exterior building materials shall not include the following: 5a) Split shakes, rough-sawn or board and batten wood, 5b) Smooth-faced gray concrete block, 5c) Field-painted or pre-finished standard corrugated metal siding, or 5d) Standard single- or double-tee concrete systems; and, 6) Exterior building material shall extend from the cornice to within nine inches (9") of finished grade on any elevation. Phil McGukin, representing AmeriSouth, addressed the Council. He and his partner Tom Large have subdivided this parcel into one-acre lots for commercial development. The lots are too small for industrial development. After a brief discussion, Collins opened the floor for public comment. There being none, the floor was closed. Carter moved to accept the rezoning with the six conditions. Best asked if the two existing buildings are in conflict with the six conditions being required of future construction. Freeman said one conforms and one does not, however it is not extremely inconsistent. Amidon seconded Carter's motion. Motion carried 5/0.

Freeman presented a request to annex 3.7 acres on North VanWert Road which was inadvertently omitted from the annexations in the same area at the October meeting. The applicant, Burnell Redding, on behalf of Villa Rica First Baptist Church, had applied to annex the property located on the east side of North VanWert between the parcels known as 21 North VanWert and 45 North VanWert. The property would come into the city with a zoning designation of Rural Development. Collins opened the floor for public comment. There being none, the floor was closed. After a brief discussion, Kelley moved to accept the annexation, seconded by Carter. After further discussion as to the exact ownership of the property, motion carried 5/0.

Zellner presented an ordinance to endorse the National Incident Management System as established under Homeland Security Presidential Directive 5 and the Unified Command System and to direct all incident managers and response personnel in the

City to train in, exercise for, and use these systems in their response operations. Best moved to adopt the ordinance, seconded by Carter. Motion carried 5/0.

Zellner presented the FY05-06 second quarter budget revision. Carter asked for more data and budget actuals on the revisions. Zellner said that information would be provided. Carter moved to table until December, seconded by Kelley. Motion carried 5/0. Holland commended Zellner for the reduction of the amount of funds to be removed from the Utility Fund.

Collins announced that Franklin Richardson, who was listed for the next item on the agenda, could not be at the meeting.

Zellner presented two items for Payments over \$5,000. The first item was a request from Utilities Distribution Manager Richard Reid to make a volume purchase of backflow preventers to go with the residential water meters which were previously approved. Zellner said this volume purchase, like the meter purchase, would save the city approximately \$6500.00. After some discussion, Carter moved to approve the purchase through the low bidder, Consolidated Pipe, seconded by Kelley. Motion carried 5/0.

Zellner presented the second item, a request from Wastewater Treatment Plant Manager Michael Kauffmann, to purchase a new pump for the Bivins Road lift station. This would be an emergency purchase from the sole source, Kesco, in order to interface with the Kesco equipment in the lift station. Zellner said the pump could be repaired for about \$6500 with a three month warranty or replaced for \$10,500 with a five year warranty. Carter moved to replace the pump due to the five year warranty, seconded by Amidon. Motion carried 5/0.

Collins asked about the backflow prevention program put in place last year. Community Development Director Eric Lacefield said the program requires Business owners to have a backflow preventer installed on every water meter serving the business and to have the preventers tested annually. Lacefield said compliance with this is tied to the issuance of Business Licenses. He said the City mails out reminders to individual business owners as inspections are required. Council asked Lacefield about the inspection of and potential failure of backflow preventers. Lacefield described the processes of both.

Kelley asked Lacefield about the promised traffic signal for the intersection of Mirror Lake Blvd and Conner Road. Lacefield said the equipment is in. Installation will begin next week with striping and boring for signal loops in the turn lanes. Lacefield said the pedestals for the light poles would be installed within the next few weeks as well. He anticipates the lights to be operational on schedule by the end of November.

Zellner updated the Council on the progress of the sidewalk installation project. He said the run on South Carroll Road from Hwy 78 to Wal*Mart is nearing completion. Approximately 1700 feet of sidewalk has been poured to date. The next project will probably be from Publix [Mirror Lake Blvd at Conner Road] to Shoreline Parkway.

Carter asked about the contract for the City's website. Zellner said the amount was for less than \$5,000 and has been executed. Development has begun.

Collins asked that an item be added to the December agenda for discussion about the possibility of going to two meetings per month due to the lengthy meeting in the past.

Collins reminded those present that Council had, earlier in the year, declared November 4, 2005 as Jeane Williams Day, her birthday. Ms Williams, retired Ward 4 Councilmember, is in poor health. Collins asked that she be remembered on her day.

Collins opened the floor for public comment. Mike Gill, 465 Daniel Road, asked that the police department's phone number be listed in the phone books for non-emergency situations. Zellner explained that city officers must be dispatched through the 9-1-1 Center for many reasons. All calls, both emergency and non-emergency but urgent, should be directed to 9-1-1. Carter said the phone number for the Villa Rica police department will be on the website when it is up and running. With no further comments, the floor was closed.

Carter moved to adjourn to Executive Session to discuss legal matters, pending and threaten litigation, seconded by Kelley. Motion carried 5/0. Council adjourned at 8:30 p.m.

Best moved to return to regular session, seconded by Amidon. Motion carried 5/0. Returned to regular session at 8:40 p.m.

Collins announced, per Mecklin, that action was taken in Executive Session but was not action which needed to be retaken in public session.

With no further business, Best moved to adjourn, seconded by Kelley. Motion carried 5/0. Council adjourned at 9:42 p.m.

J Allen Collins - Mayor

ATTEST:

Robert Zellner – City Manager