

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, December 5, 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, Woody Holland and Joey Kelley; City Manager Danny Mabry; City Clerk Reedell Saxon and City Attorney David Mecklin. Approximately 47 people were in attendance.

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

Collins asked for an amendment to the agenda to remove the resolution on sewer tap fees and replace it with a resolution on a Main Street/Better Hometown designation. Best so moved, seconded by Holland. Motion carried 5/0.

The minutes from the November 7, 2006 were approved as presented.

Under Old Business: Zoning Manager Taurus Freeman presented ZM-01-06, postponed from the November meeting, for adoption as the official zoning map. Holland moved to approve. Collins opened the floor for public comments. There being none, the floor was closed. Carter seconded Holland's motion. Motion carried 5/0.

Collins appointed additional members to the Mayor's Committee to oversee Cultural Arts/Grass Roots grants: Jay Cowart, Rusty Dean, Mark Camp, and Marcella Correa with *ex officio* members Danny Mabry, Verland Best and Barbara Daniell. Committee Chair Jana Columbus addressed Council and asked for two additional committee members, Elizabeth Henry and Mary Rogers. Collins agreed. Columbus reported that the Villa Rica Community Choir, beneficiary of the initial \$1,000 Grassroots grant, has performed three times to date. The performance is entitled The Homecoming, a Smoky Mountain Christmas Story Musical. Columbus introduced Director Linda McCurry. Collins thanked McCurry for her involvement in the cultural arts program.

Community Development Director Eric Lacefield gave an update on an item postponed from October at which time Staff was instructed to look into alternatives for retail establishments having access to the subdivision/builders' kiosk signs. Scott Tripp from National Sign Plaza addressed Council about including retail clients. Tripp provide photos of such sign use by other agencies, but did not recommend that Council take the avenue of advertising and marketing. Collins asked for a proposal to be submitted in January

Collins brought up the possible conflict for the date of the January meeting. The first Tuesday would fall on January 2, 2007. Since the New Year Holiday would have most City offices closed on Monday, January 1, 2007, Collins asked Council to consider moving the meeting date to the following Tuesday, January 9, 2007. Carter so moved, seconded by Amidon. Motion carried 5/0.

Under New Business: Mabry asked Police Chief Michael Mansour to introduce the December Employee of the Month, Officer Tommy King. King was present to accept his plaque and \$50.00 check.

Parks & Recreation Director Jeff Reese introduced the Parks & Rec 2006 Volunteer of the Year, Barbara Luther, and read a resolution for Council approval of the choice. Carter

moved to approve the resolution, seconded by Holland. Motion carried 5/0. Mrs. Luther was present to accept the trophy. She thanked Reese and Council for the recognition.

Collins presented a Resolution recognizing Rusty Dean for his years as County Commissioner for this area. Carter moved to adopt the resolution, seconded by Best. Motion carried 5/0.

Collins presented a Resolution recognizing Jerry “Jabbo” Cole for his many years of service to the community. Cole is retiring and selling the hardware store which has been a fixture in Villa Rica for decades. Best moved to adopt, seconded by Amidon. Motion carried 5/0.

Collins presented a Resolution recognizing Retiring Industrial Development Authority members Lamar Moody, Richard Smith and Susanne Thomas for their years of dedication to the growth and development of Villa Rica. Carter moved to adopt the resolution, seconded by Amidon. Motion carried 5/0.

Collins presented a Resolution recognizing Don McGill who is retiring after thirty years of service to the City of Villa Rica, most of it as Public Works Director. Best moved to adopt the resolution, seconded by Kelley. Motion carried 5/0.

Mabry presented a Resolution supporting the submittal of an application for designation as a Georgia Main Street/Better Hometown City. Carter moved to adopt the resolution, seconded by Kelley. Motion carried 5/0.

Best asked for a change in the annual Christmas gift to city employees. He suggested that this year’s gift be a floating holiday which can be taken at any time dependant upon staffing schedules so as to keep City offices opened [except for the scheduled Holidays of December 25 and 26, 2006]. Kelley moved to give each employee one floating holiday or credit to vacation time for eight hours, seconded by Carter. Motion carried 5/0.

Freeman presented ABL-03-06, an application by Husein Khimani, City Chevron, 701 Edge Road for a license to sell package beer and wine. The applicant has met the legal requirements and passed the background check. Kelley motioned to approve as presented, seconded by Holland. Motion carried 5/0.

Freeman presented ABL-04-06, an application by Thamim Lodin, Swifty Save, 9600 Conner Road for a license to sell package beer and wine. The applicant has met the legal requirements and passed the background check. Kelley motioned to approve as presented, seconded by Carter. Motion carried 5/0.

Mabry presented a consent agenda for the 39 applications for renewal of alcohol licenses for 2007. Carter moved to accept the consent agenda, seconded by Holland. Motion carried 5/0. [A list of the applicants is attached and becomes a part of the minutes]

Freeman presented RA-15-06, a request for rezoning at 750 W Bankhead from Single-Family Residential and Office-Institutional to General Commercial. Freeman said the Planning & Zoning Commission (P&Z) recommended approval with one condition: 1) The Developer shall coordinate with City Staff and GDOT to help insure all possible safety measures are taken regarding current curbs on Bankhead Highway prior to the issuance of building permits. Applicant Neal Brown addressed Council. He said the plan was to purchase 2.6 acres to the rear of his existing acre, remove the existing wooden shopping center structure, which is in ill repair, and the residential structure on the property to the rear. These would be replaced with a total of four commercial building. Brown said curb cuts already exist on US Hwy 78 and he plans to add two new curb cuts, one on Clearview Street and one on South Street. Brown asked Council to approve this without the stated

condition other than that he work with City Staff on the curb cuts at Clearview and South Streets since the DOT right-of-way curb cut is already in place. Carter asked Freeman if he was opposed to removing the DOT condition. Freeman said no and that approval of this condition is at Council discretion, adding that both Staff and P&Z did recommend approval with the condition. Best asked why this was recommended. Freeman said Staff is not qualified to give an opinion on the potential traffic impact the two existing curb cuts pose. He said there is the possibility of safety concerns for traffic trying to exit onto Hwy 78. Lacefield pointed out that having traffic exit the parking lot only onto Clearview and South Streets, then to a stop sign at Hwy 78, would be a safer choice than having traffic attempt to come and go by way of the existing Hwy 78 curb cuts. Best said he had a problem with an exit onto Clearview which is residential. Collins opened the floor for public comment. There being none, the floor was closed. Holland asked Brown about the proposed number of tenants. Brown said each of the two buildings fronting Hwy 78 would be single tenant buildings. After further discussion, Best moved to approve the rezoning with the recommended condition and the stipulation that there will be no curb cuts onto Clearview, seconded by Kelley. Motion carried 4/1 with Holland opposed.

Freeman presented CU-01-06, a request for Conditional Use at Devonia Drive off Conner Road for the purpose of a church. Freeman said the applicant, The Church at Mirror Lake, is proposing to erect three temporary aluminum structures until the development of permanent structures. The Church has submitted a letter of intent and requests to have the temporary structures on site for no more than five years. Freeman said P&Z has recommended approval with the following condition: 1) The temporary structures shall remain on the property no more than five (5) years. Church pastor Tony Ashmore addressed Council. He said the church would like to be in the temporary structures at the new location within the year and into the permanent structure within five years. Collins opened the floor for public comments. Kathy Lafitte, Twin Lakes community, spoke in favor of the project. With no further comments, the floor was closed. Council discussed the limitations a church building would place on adjoining businesses. Attorney Sam Price, speaking as a representative of the applicant, said he was confident the distance limitations would not be a factor in future development within the immediate area. Best moved to approve the Conditional Use application with the one condition as presented, seconded by Kelley. Council discussed when the five-year restraint begins. Lacefield suggested it be tied to the issuance of the certificate of occupancy. Council agreed. Motion carried 5/0.

Freeman presented ORD-04-06, an ordinance to amend UDC Article 3, Table 3-1, Land Use Matrix, so as to treat secular and religious assemblies/institutions in an equal manner as to zoning uses. Currently, the UDC requires churches to obtain conditional use permits where clubs, lodges and civic assembly halls do not. The ordinance amendment would require the obtaining of conditional use permits for all these categories within the specific zonings. Collins opened the floor for public comment. There being none, the floor was closed. Carter moved to adopt the ordinance, seconded by Amidon. Motion carried 5/0.

Mabry presented an offer by Stuart E Burnett, Jr. to donate a 0.25 acre tract with the request that the City eventually consider connecting Pine Street to Candler Street, which border the north and south sides of the parcel respectively. After a brief discussion, Holland moved to authorize the City Attorney to negotiate a contract with Burnett for acceptance of the property, seconded by Kelley. Motion carried 5/0.

Mabry presented three items for Consideration of Bids. He said the lowest bids on the first two items were over budgeted amounts \$114,000 and \$10,000, respectively. City Account Larry Wood provided Council with recommendations for fund transfers to cover the excess.

1. Puryear & Sons, \$336,690.43 – the low bid on a sealed bid RFP for materials, equipment and labor to complete the Main Street Streetscape project. Holland moved to accept the low bid, seconded by Kelley. Motion carried 5/0.
2. C. S. Britton, \$275,000.00 – the low bid on a sealed bid RFP for materials, equipment and labor for the first phase of the South Wilson Street Realignment project. Carter moved to accept, seconded by Holland. Motion carried 5/0.

Holland motioned to hear, at a later date, the budget revision to cover these excess costs, seconded by Carter. Motioned carried 5/0.

3. Silvey Information Systems, \$31,772.00 parts and labor plus additional maintenance contract for the replacement and upgrade of the City Hall Server and general maintenance of the server as well as individual workstations. Silvey was not the low bidder, however upon review of all information, Staff believes Silvey to be the appropriate choice for replacement, maintenance and general upkeep of the server and individual workstations. Funds will come from a portion of the monies budgeted for a financial software upgrade which will now be postponed until next budget year. After further discussion, Holland moved to enter into a contract with Silvey to purchase the equipment as presented, seconded by Carter. Motion carried 5/0.

Carter issued a public Thank-you, on behalf of the City, to the ten property owners who donated property for the widening of South Wilson.

Mabry presented two items for Payments over \$5,000:

1. Tri-County Floor Covering, \$19,500.00 – for engineered hardwood flooring for the Civic Center, the lowest of five quotes. Funds are available for the budgeted project. Holland moved to approve the payment, seconded by Carter. Motion carried 5/0.
2. Watch Guard, \$14,925.00 – for in-car cameras to go in three new patrol cars, the lowest of three quotes. Funds are available through the Federal Seizure account. Carter moved to accept the low bid, seconded by Holland. Motion carried 5/0.

Collins opened the floor for public comment.

Jeff Dewberry, Temple, owner of the property behind Neal Brown's retail parcel, asked Council what is the current zoning of his property. Council told him it is now General Commercial with the condition set in RA-15-06. Dewberry said Brown would not purchase the property with the condition set by Council. Brown also addressed Council and concurred. After some discussion on the issue, Mecklin suggested that he, Staff, Dewberry and Brown meet in the near future to discuss the matter. Council agreed.

Jana Columbus, Back Street Galleries, thanked the Council for their support of cultural arts. There being no further comments, the floor was closed.

Best asked the Media to help get the word out that the City would be accepting old Christmas trees at Powell Park after Christmas. The City would chip them into mulch.

With no further business, Carter moved to adjourn, seconded by Kelley. Motion carried 5/0. Council adjourned at 8:40 p.m.

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J Allen Collins - Mayor

ATTEST:

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Danny Mabry – City Manager