

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, September 1, 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 33 people were in attendance.

Collins called the meeting to order at 7:00 p.m. following an accounting of 2009 sewer spills and the causes of each spill. Collins noted that most of the spills were due to vandalism and other occurrences beyond city control. He said the State's Environmental Protection Division has been contacted each time and is monitoring the situation. Collins added that the City is working and will continue to work diligently to be good stewards of the environment.

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

The minutes from the August 4, 2009 meeting were presented. Amidon moved to approve the minutes, seconded by Best. Motion carried 5/0.

Under Old Business: Chief Michael Mansour updated Council on the meetings with pawnshop and secondhand store owners regarding implementation of ORD-09-10-CCO, an ordinance to amend the current Pawnbroker Ordinance by requiring electronic recording of pawned or second-hand items. Mitch White from Golden Nugget Pawn Shop in Carrollton addressed Council to relay his eight months' experience with the system. White said he has found electronic entry of pawn tickets far easier than the standard hand writing of tickets. White said some customers have complained about having to provide social security numbers but that information was also required on the hand written tickets for as long as he can remember. Best asked if that was State Law or city ordinance. Neither White nor Mansour knew but Mansour promised to check into the legal requirement. Collins opened the floor for public comment:

Diane Henry of Golden City Pawn Shop in the Ingles Shopping Center, Hwy 61 Connector, had some questions about cost and requirements which Chief Mansour answered for her.

Wayne Cole, owner of Sammy's Pawn Shop, said he is totally opposed to the amendment and stated he would close his business if this is adopted. There being no other comments, the floor was closed. Holland asked if the City would require a social security number if it is not a State requirement. Mansour said no. Collins said he was still against any additional government intrusion. Kelley said this ordinance would make law enforcement's job of protecting citizens easier and would not hurt anyone. Kelley moved to adopt the ordinance amendment, seconded by Best. Motion carried 5/0. Mansour asked about the affective date. Collins said not to worry; it would be discussed at the following meeting, implying a forthcoming veto.

Freeman presented ZM-01-09, the request for adoption of the revised Official Zoning Map, postponed from August. Holland said problems he previously had with his Ward 5 portion of the map had been corrected. The other Councilmembers indicated they saw no problems in their Ward portions. Collins called for public comment. There was none. Holland moved to approve the map, seconded by Kelley. Motion carried 5/0.

Wood reported on the review he and Chief Mansour conducted of the City's existing Peddler's Ordinance which they found to cover what is needed. Collins and Best spoke of

the danger of kids standing in intersections to peddle or solicit for their organizations. Best said he was ready to ban all soliciting within the city limits. Mecklin said that was within the Council's power to ban such activity on all rights-of-way. After further discussion, Council instructed Staff to bring back an ordinance amendment banning solicitation on rights-of-way and peddling door-to-door for their consideration at the October meeting.

Under New Business: Wood asked Deputy City Manager – Utilities, Eric Lacefield, to present the September Employee of the Month Award. Lacefield introduced Kim Willis from the Water Treatment Plant and spoke of her diligence, continued desire to learn, and congeniality. Willis was present to receive the plaque and check.

Community Development Manager Taurus Freeman presented the Villa Rica Beautiful awards for September. The commercial beautification award went to Chick-fil-a on the Hwy 61 Connector. Owner Justin Day accepted the award. The residential beautification award winners, Frank and Bonnie Sinacore, live on Berkley Drive. Mrs. Sinacore was present for the award.

Lacefield presented a resolution to accept the awarding of a \$425,000 GEFA loan/grant, one of 22 such grants awarded in Georgia as part of the American Recovery and Reinvestment Act. Forty percent of that amount would be forgiven at loan closing. The City would pay back the remaining amount at a low interest rate. Lacefield said this money would be used to fund the waterline improvement across the north side of the City. Holland moved to approve the resolution, seconded by Best. Motion carried 5/0.

Deputy City Manager – Services, Jeff Reese, presented a Resolution of Support to submit an application for funding to the Georgia DOT GATEway Project. Reese was hopeful of obtaining up to \$50,000 in no-match funds for beautification of the southern right-of-way at the US Hwy 78 intersection with State Route 61. Reese introduced Reggie Dill of Mactec, the engineering design firm currently working on the City Complex and amphitheater. Dill explained the limitations of the grant and presented a concept design which included an eventual beautification continuing southward to the interstate bridge. That project would be the stimulus for future GATEway grants which are awarded annually. Following some discussion, Kelley moved to approve, seconded by Amidon. Motion carried 5/0.

Freeman, on behalf of the applicant, requested the tabling of RA-02-09, a rezoning request by Villa Rica 101 Partners, LLC of Roswell, GA, for ±64.09acs at Industrial Boulevard and Highway 101, parcel number V04-009-0017, from GC (General Commercial) and RD (Rural Development) to PD (Planned Development) for a planned use development (PUD). Holland moved to table until next month, seconded by Kelley. Motion carried 5/0.

Freeman, on behalf of the applicant, requested the indefinite tabling of RA-04-09 a request by Shanell Kirton of Douglasville, to rezone three contiguous properties totaling ±0.97acs and located at 443 Walker Street, 605 Old Town Road and 609 Old Town Road from R-14 (Multi-Family Residential) to OI (Office-Institutional) for the purpose of retail office space. Kelley moved to table, seconded by Best. Holland noted that Council usually requires a time limit. Kelley amended his motion to table until next month, Best re-seconded. Motion carried 5/0. Freeman said the applicant was requesting the extra time to allow current tenants on the property to find other accommodations.

Freeman presented RV-01-09, a request for reversion of RA-13-06, ±36.82acs at Rockmart Rd at Hwy 101, rezoned from GI (General Industrial) to GC (General Commercial) on October 3, 2006. One of the conditions of that rezoning was for the applicants to work with City Staff and the Georgia DOT to improve the intersection, which is where the bypass would connect to State Route 101. Freeman said the applicants were working with staff as

agreed until the DOT announced there would be no funding for the bypass. Collins opened the floor for public comment. Melissa Sandrene, president of the Home Owners Association at Reid Plantation, spoke against the original rezoning due to the traffic and inadequate egress already occurring on SR 101. She asked that Council, if they continue with the current zoning, stress the importance of alternate ways to access the shopping center. Council discussed the lack of progress made on this parcel. Ted Sandler of Hartman, Simon, Spielman & Wood in Sandy Springs, attorney for Ingles Markets, addressed the Council. He said designs have been created awaiting DOT actions and improvement in the economy. Mecklin clarified the procedure on reversions in that Council must decide whether the property and the City are best served under the current zoning or by reverting to the previous zoning. Holland moved to review the reversion again at the Council meeting following 6 months from this date [March 2010], seconded by Kelley. Motion carried 5/0. Best asked if there is a need, especially during recession times, to have a process in place whereby a property owner could automatically, without having made improvements, extend the zoning another year by paying a specified fee. Mecklin suggested that needed some consideration as to legality. Council briefly discussed it but took no further action on changing the process for reversion.

Freeman presented RV-02-09, a request for reversion of RA-06-08, ±40.28ac at the intersection of Industrial Blvd and Rockmart Road rezoned from GI (General Industrial) to GC (General Commercial) on September 2, 2008. Freeman said no plans have been submitted nor permits requested for the site. Mark Berger, 1054 Vista Trail, Atlanta, one of the owners of the property through Villa Rica 101 Partners 2, addressed Council on the reason for the delay of construction. Berger said his company was in a similar situation as Ingles, in that they are waiting on the economy to rebound and the bypass to be built. He asked for a permanent waiver of reversion but would abide by the Council's decision. Collins opened the floor for public comments. There being none, the floor was closed. Holland moved to delay action for six months, seconded by Kelley. Motion carried 5/0. Freeman pointed out that six months would fall on the March 2010 meeting.

Reese updated Council on the status of the outdoor amphitheatre and City Complex. He was assisted by Mactec engineer Reggie Dill who had prepared a booklet of conceptual drawings. Dill said the two parts of the project, amphitheatre and City Hall, were designed together for continuity even though the later is a few years away from construction. Reese said he is hoping to have the amphitheatre ready for the annual Downtown Christmas Tree Lighting this year.

Wood presented a Resolution of Support to accept a free War Memorial Statue which had been refused by the Mayor and Council of the original recipient city. David Sullivan addressed Council. He said he had been in contact with Fireplace Mantels of Millbury Massachusetts who created the statue as a memorial to the United States soldiers fighting in Iraq and Afghanistan. The company will be going through a process for choosing another city which will properly display the memorial. Sullivan hoped the resolution would be helpful in their decision. Wood pointed out that some Villa Rica citizens have already given their lives in these regions on behalf of American freedom. Amidon moved to accept, seconded by Holland. Motion carried 5/0. Holland asked that a request for a letter writing campaign be posted on the City website.

Under Consideration of Contracts, Staff presented three items:

1. Southern Crescent Area Agency on Aging Agreement – Reese said the Chattahoochee-Flint Regional Development Center annually distributes grant funds for nutritious meals at the Senior Center and for the Meals-on-Wheels program.

Reese said last year the City paid only \$2,319 for the meals program while the Southern Crescent grant funded an additional \$51,000. This year the grant projections are for \$67,861 in state and federal funds. Holland moved to authorize the contract, seconded by Marchman. Motion carried 5/0.

2. Rindt-McDuff Associates Community Development Block Grant (CDBG) Engineering Support – Wood said this was an Employment Incentive Program (EIP) CDBG grant which the City is trying to obtain for use in extending a sewer line to Turano Bakery, which would aid in their expansion. RMA would be paid \$9600 for providing engineering support to the grant writer. If the \$500,000 grant is awarded to the City, RMA would then design the project, bid it out, investigate the bidders, recommend a winner, and oversee the construction for an additional \$93,245.34. This would be paid by the City as the grant funds would only cover actual construction costs. Holland moved to approve the \$9600 expenditure, seconded by Kelley. Motion carried 5/0.
3. Georgia Department of Transportation (DOT) Right-of-Way Mowing – Wood said these two contracts, one for the Carroll County portion of the city and one for the Douglas County portion, are necessary in order for the City to mow the DOT right-of-way in Villa Rica. Kelley moved to approve the contract, seconded by Best. Motion carried 5/0.

Under Consideration of Bids, Staff presented three items:

1. Football Uniforms – Reese said, of three quotes obtained, The Cedarstream Company was the low bidder at \$13,100 for 400 uniforms. A portion of the cost is recovered in fees. Kelley moved to approve the purchase through Cedarstream for \$13,100, seconded by Best. Motion carried 5/0.
2. Railroad Park Irrigation System – Reese said the funds would be taken from the \$50,000 budgeted for the Downtown Development Authority. Of four quotes, Hydro Irrigation was the low bidder at \$10,990. Holland moved to approved as presented, seconded by Kelley. Best questioned this project in light of having cut two jobs from the budget earlier this year. Holland noted the funds were already budgeted for DDA use. Collins called for a vote. Motion carried 4/1 with Best opposed.
3. North Loop Water Line Improvement (Old Rockmart Road, Old Town Road and Conner Road) – Lacefield said eighteen companies responded to the Request for Proposals. Following bid review, Rindt-McDuff recommended low bidder Lantz Construction at \$326,025.40. Holland moved to enter into a contract with Lantz Construction for \$326,025.40, seconded by Kelley. Motion carried 5/0.

Under City Update, Wood announced the house at 145 Waterford Drive has been advertised for bids. There have been some interested people who have been shown through the house. Bid opening will be September 24, 2009 at 2:00 p.m. Wood will bring the results of that bid opening before Council at the October meeting. The FY2008-09 Financials are complete and at the printers. The City's Auditor will be at the October meeting to summarize them.

Collins opened the floor for public comment:

Shelley Crayon, Spoken Word Evangelistic Outreach Center, 200-B Old Liberty Drive, invited the Mayor & Council to attend the Friends and Fellowship Service this Sunday at the newly open Church.

Patrick Hendrickson, owner of The Tin Roof, praised Mactec and Reese on the design of the amphitheater and building; however, he was unhappy with the number of parking spaces in the design.

There being no further comments, the floor was closed.

Holland moved to adjourn to Executive Session for the purpose of discussing pending legal matters, seconded by Kelley. Motion carried 5/0. Adjourned into Executive Session at 8:50 p.m.

Best motioned to reconvene, seconded by Marchman. Motion carried 5/0. Reconvened at 9:10 p.m.

Collins announced there was no action taken in Executive Session.  
The Motion in Open Session was:

Holland moved that the City be hereby resolved that, in order to protect the public, the City Manager is directed to restore the stop sign which had recently been removed from the access easement directly across from City Hall, seconded by Best. Motion carried 3/2 with Marchman and Kelley opposed.

With no further business, Holland moved to adjourn; seconded by Marchman. Motion carried 5/0. Council adjourned at 9:12 p.m.

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J Allen Collins – Mayor

ATTEST:

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Reedell Saxon – City Clerk