

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

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

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

The minutes from the September 1, 2009 meeting were presented. Amidon moved to approve the minutes, seconded by Kelley. Motion carried 5/0.

Under Old Business: Collins presented for Council consideration the veto of ORD-09-10-CCO, an ordinance to amend the current Pawnbroker Ordinance by requiring electronic recording of pawned or second-hand items. Holland moved to override the veto, seconded by Kelley. Motion carried 5/0.

Community Development Manager Taurus Freeman relayed the applicant's request to postpone RA-02-09 for one more month. Holland asked if the applicant was certain that one more month would be sufficient since it is Council Policy to limit postponements to twice. Freeman said yes. Holland moved to postpone until November, seconded by Best. Motion carried 5/0.

Freeman presented RA-04-09, a request by Shanell Kirton of Douglasville, to rezone one parcel, 0.29 acres located at 443 Walker Street, from R-14 (Multi-Family Residential) to OI (Office-Institutional) for the purpose of a commercial development. Freeman said this application had been amended from the original request to rezone three contiguous properties due to tenants still occupying the other two locations. Best asked what the applicant planned to put on the property. Freeman said Ms Kirton wishes to put a convenience store at that location with plans to rezone the other two locations at a later date to use for offices. Kelley asked if a convenience store would fit on the 0.29 acre property. Following discussion on that point, Collins called for the applicant. Ms Kirton addressed Council and said she wanted to convert the existing house into a convenience store and had no plans to install fuel pumps. Holland noted that the zoning being requested would allow pumps. Collins opened the floor for public comment. Reba Maynard, 532 Old Stone Road, across the street for the property, objected to a convenience store. She said she thought offices were going in there. With no further comments, Collins closed the floor. Kelley moved to deny the rezoning request, seconded by Best. Holland noted that, while this area may be designated for OI on the future land use map, it does not seem appropriate to rezone an area in the middle of what is still residential. Mecklin suggested Council might want to consider revising the Zoning Code to clear up the issue of fuel pumps in OI zoning. Currently gas stations are not allowed in OI but pumps are allowed in conjunction with convenience stores in OI. Kelley suggested staff look into that. After more Council discussion, Collins called for a vote. Motion to deny carried 5/0.

Under New Business: Wood asked Freeman to present the October Employee of the Month Award. Freeman introduced James Moran, Chief Building Inspector and Codes Enforcement Officer and spoke of his talent for working with the public, for taking the complaint-driven enforcement to a higher level, and for bringing more areas into compliance. Moran was present to receive the plaque and check.

Freeman presented the Villa Rica Beautiful awards for October. The commercial beautification award went to Sonic Drive-in. General Manager Kristin Ivey accepted the award. The residential beautification award winner, Linda Kelley Poss, lives on North Lassetter Circle. She was present to accept the award.

Wood presented the request to reappoint two Mainstreet/DDA board members, Jerry Doyal and Betsy Henley, whose terms have expired. Holland moved to approve the reappointment of Jerry Doyal and Betsy Henley, seconded by Best. Motion carried 5/0.

Wood thanked City Accountant Shari Smith for preparing the financial documentation for the FY2008-09 Audit Report. Fredrick Thomas of Garrett, Stephens, Thomas and Fazio, the City's auditors, said he has once again been able to give the City an "unqualified" opinion of a good financial status which is the highest that can be given. He said a "qualified" opinion would mean there were problems to be addressed and an "adverse" opinion would mean the City's financial state was unacceptable. Thomas noted the City's cash reserves are good; and, improvements have been made in internal control and City staff continues to show willingness to further the improvements in this area. Collins thanked Council for their willingness and ability to move the City forward while still maintaining cash reserves.

Freeman submitted a request to approve the appointment of Dale Schwarzkopf to the Historic Preservation Commission. Freeman read a list of Schwarzkopf's qualifications which include an engineering degree and community mindedness. Kelley moved to approve the appointment, seconded by Best. Motion carried 5/0. Collins administered the Oath of Office.

Freeman presented ORD-09-11-CCO, an amendment to the Peddler's Ordinance which will prohibit peddlers and solicitors from using major thoroughfare and other rights-of-way to conduct business. After some discussion, Holland moved to adopt the ordinance amendment, seconded by Best. Motion carried 3/2 with Marchman and Kelley opposed.

Police Chief Michael Mansour presented a request to revise a previous decision by the Mayor and Council regarding the \$330,000 COPS Grant they had approved to accept in August to fill the positions of a training officer and a patrol officer. The Chief said the City has been notified in writing by the Office of Community Oriented Policing Services (COPS) of the U S Department of Justice that the \$110,000 per year for three years could not be used to fill a position which had been budgeted for this fiscal year even though the Department had not filled that position due to budget concerns. He said the City would have to first fill the budgeted position with City funds then create a new position on which to apply the grant funds. Holland asked if the vacant, budgeted position was needed. Mansour said yes. After a brief discussion, Marchman moved to approve the additional position, seconded by Amidon. Motion carried 5/0.

Wood presented an updated Personnel Handbook which he asked Council to review over the month and notify the Human Resources Manager of any changes or additions necessary. Wood said the major changes being proposed were a clarification of part time employee classification when the employee must, on occasion, work over the 30 hour maximum in a week; an equalizing of treatment for holiday pay between 8 hour employees and 12 hour employees; a strengthening of the policy on computer and internet use; the addition of a sick-leave cap at 90 days; a provision for donating sick leave in approved cases; and, the addition of a rule requiring proper credit conduct by employees. This will be presented for final approval in November. Best pointed out that there is a chance for abuse of a sick leave cap in that employees may take sick leave unnecessarily when they near the cap. Mecklin said the rule against excessive absenteeism should curb that.

City Accountant Shari Smith presented the Second Quarter Budget Revisions for Council's review. She noted that revenue projections through the first half of the budget year had apparently been too optimistic. Among the major changes in the FY2009-10 budget are a reduction of anticipated revenue by 5.5% and a 3% reduction in expenditures per department. Additionally, the funds budgeted for transfer to reserves and the savings from changes to the liability insurance would be used to balance the budget. Smith said the Revisions would be presented in November for final approval. Council discussed some of the revisions. Collins suggested using Community Service workers for more tasks.

Freeman provided an overview of the Downtown Parking Evaluation his department had conducted. The City has a total of 712 parking places in the downtown area including both Public and Private lots with 589 of those spaces within three minutes or less walking time. The conclusion of staff from this study is that the City currently has enough parking for at least the next two to three years. Additionally, the City should explore metered or timed parking for the 73 on-street spaces, and use education and signage to encourage long term parkers, such as store owners and employees. Staff recommends a more thorough study of the future needs and availability, and which will engage staff, downtown property owners and other affected parties.

Deputy City Manager–Utilities, Eric Lacefield presented two contracts for Council Consideration:

1. Rindt-McDuff Associates (RMA), Drinking Water State Revolving Fund Grant Administration and Construction Observation. RMA proposed to administer the grant funds and oversee the construction by Lantz Construction of the Waterline Improvement project on Conner, Old Town and Rockmart Roads for a lump sum fee of \$40,000 to be paid through grant funds. Best moved to accept, seconded by Amidon. Motion carried 5/0.
2. Rindt-McDuff Associates, Community Development Block Grant (CDBG) Funding Master Plan. RMA proposed to develop a master plan for infrastructure improvements in low to moderate income areas of the City in order to take the highest advantage of the up-to-\$500,000 awards which could be obtained as often as every two years. The proposal is for a lump sum of \$13,500. (Fred Hawkins of RMA addressed Council on some of the benefits of this contract including improvements to downtown infrastructure and fire flow.) Kelley moved to approve the contract, seconded by Holland. Motion carried 5/0.

Under Consideration of Bids, Staff presented two items:

1. Sale of 145 Waterford Drive house – of three sealed bids obtained, the high bid was \$69,959 submitted by David Cooper. Following some discussion, Kelley moved to sell to the high bidder at \$69,959.00, seconded by Best. Motion carried 5/0.
2. GPS mapping Inventory of water, sewer and stormwater infrastructure – Fourteen bids were received; eight of those were disqualified. Staff selected the three finalists based on qualifications. The low bidder of those three is Hughes-Ray Company at \$18.75 per survey grade structure and \$10.00 per sub-meter grade. The City has budgeted \$107,000 for this project. After some discussion, Kelley moved to go with Hughes-Ray for up to \$107,000.00, seconded by Best. Motion carried 5/0.

Wood presented four items for payment over \$5000:

1. Douglas Co Board of Commissioners, half the cost of the Mirror Lake weather siren, \$8,725. Kelley moved to reimburse Douglas County \$8,725, seconded by Marchman. Motion carried 5/0.

[NOTE: On September 20, 2009 the west Georgia area received approximately 20 inches of rainfall causing such flooding as to exceed the 100-year model and was in fact categorized at a 500-year flood.]

2. Wood said some of the estimated \$600,000.00 in costs due to flood damage will be covered by the City's property insurer, GIRMA. The City will also be seeking assistance from FEMA (Federal Emergency Management Agency). Wood asked for Council approval to continue with clean-up and repairs per the list provided while working on recovery of costs. Holland moved to proceed with recovery as presented, seconded by Best. Motion carried 5/0.
3. DWL Instrument Services, \$5020 spent to replace turbidity meters destroyed in flood. Kelley moved to pay DWL Instrument Services \$5020, seconded by /Marchman Motion carried 5/0.
4. Agri-Business International, \$5618.07 for emergency purchase of 6-inch pump to drain the clear well at the water plant and for future uses, Holland moved to approve the purchase for \$5618.07, seconded by Kelley. Motion carried 5/0.

Collins opened a discussion on installation of speed humps or bumps at Chadwick Place. Kelley asked staff what the projected cost would be. Wood said he would find out. Holland said an online search showed preformed speed humps made from old tires could be purchased for approximately \$1000. He suggested that his upcoming discussion on the same topic for Summergate Subdivision could be addressed at the same time as this one. Collins asked staff to research the most cost effective solution. Holland suggested the City add traffic calming requirements to the Unified Development Code similar to requirements for curb and gutter. Council instructed staff to bring recommendations in November.

Kelley asked Deputy City Manager–Services Jeff Reese to provide some details on his research into the feasibility of a traffic signal at Shoreline Drive and Mirror Lake Blvd. In 2007 Douglas County DOT conducted a traffic study and warranted a traffic signal at the intersection. Reese said it would cost between \$5000 and \$7000 for a design engineer; used, refurbished signals installed between wooden poles could cost around \$47,000 to \$50,000 for the intersection; and new equipment installed in the same manner could cost between \$80,000 and \$100,000. Holland said he would like to see the City install a round-a-bout rather than a light. Kelley wondered if a round-a-bout would cost more than a light. Reese said he didn't believe a round-a-bout would be warranted at this location due to the amount of traffic on the main road. He said a traffic light could be programmed to only activate for Shoreline Drive when there was traffic waiting on that street. Following further discussion, Kelley moved to proceed with up to \$75,000, the amount that was budgeted, seconded by Amidon. Motion carried 5/0.

Under City Update, Wood handed out copies of the monthly financial statement to the Mayor and Council. He also applauded Recreation Employee Kim Stovall for her part in the award the Department received because of the Purple Book, the Parks and Recreation annual schedule book. Wood said the City has received the initial assessment from the Department of Community Affairs on the grant for sewer expansion to Turano's Bakery.

Collins opened the floor for public comment:

Pat Large, 1003 Lakeview Parkway, representing both DDA and herself as a private citizen, thanked Council for the City's support of the Railroad Park along State Route 61. She also thanked Reese and crew for their part in the project.

Jim Pac, 111 Berkley Drive, asked if the City could do something with the abandoned block building on U S Hwy 78 in the downtown area. The building was never completed and has been vacant for many years. Code Enforcement Officer James Moran gave a brief

update on the status of the building which was originally owned by Melvin Lowery but may be owned by a bank now. Collins asked James to look into the situation. There being no further comments, the floor was closed.

Holland moved to adjourn to Executive Session for the purpose of discussing potential litigation, seconded by Kelley. Motion carried 5/0. Adjourned into Executive Session at 9:05 p.m.

Best moved at 9:15 p.m. to reconvene, seconded by Kelley. Motion carried 5/0.

Collins announced there was no action taken in Executive Session.

With no further business, Marchman moved to adjourn; seconded by Holland. Motion carried 5/0. Council adjourned at 9:16 p.m.

J Allen Collins – Mayor

ATTEST:

Reedell Saxon – City Clerk