

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, November 3, 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 45 people were in attendance.

Collins called the meeting to order at 7:10 p.m. due to some technical difficulties with the speaker system.

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

Collins thanked the community for their support and prayers in the recent passing of his grandmother, Willie Tee Busbin.

The minutes from the October 6, 2009 meeting were presented. Kelley moved to approve the minutes, seconded by Amidon. Motion carried 5/0.

Under Old Business: Collins presented for Council consideration the veto of ORD-09-11-CCO, an ordinance to amend the current Peddlers Ordinance which will prohibit peddlers and solicitors from using major thoroughfares and other rights-of-way to conduct business. Collins did not want to prevent valid charities from collecting in the City. Holland pointed out that there is another version of this to be presented later this meeting. Best said he has reconsidered that version following a conversation with Kelley. They are in agreement that the existing process of application through the police department is adequate if a provision for the issuance of orange vests is added. A deposit of \$25 per vest, refundable upon the vest's return, would also be added. No children under 18 would be allowed to solicit. Best said he hopes this would reduce the "hit and run" groups who come from other areas, set up for a short time to collect money, and then go somewhere else to do that again. Holland asked for a provision that an approved background check could be carried for future uses. Best said this new version would probably be presented at the next meeting. Kelley asked Mecklin if it sounded appropriate. Mecklin said as long as the ordinance is content natural and not biased toward preferred groups it should be fine. Holland said, hearing this, he would not enter a motion to override the veto. As no other motion was forthcoming, the veto stands.

Community Development Manager Taurus Freeman relayed the request by applicant Villa Rica 101 Partners, LLC of Roswell, GA, to withdraw RA-02-09 a rezoning request for ±64.09acs at Industrial Boulevard and Highway 101 from General Commercial to PUD. Council accepted the withdrawal but took no official action.

Freeman presented Staff recommendation for speed humps at Chadwick Place and Summergate. He outlined a proposal for an ordinance to define eligibility for speed humps based on various criteria such as percentage of build-out in the subdivision. He said Douglas County has offered to assist with their portion of the City. Holland asked about the speed trailer. Police Chief Michael Mansour said he is continuing to work on the programming of the speed trailer to generate a record of the speeds. Freeman said he has created a petition letter to allow citizens to make the request for hump installation or removal. He also presented a sample of pricing for recycled tire speed hump and for asphalt speed hump installation. Freeman said, by staff recommendation of criterion, Chadwick Place would be eligible at this time. Summergate is not adequately built out and

the roads are not topped. Holland noted that installation of speed humps has been a political decision. This ordinance proposes to put the decision into the administrative staff realm. He believes there is some further work to be done on the ordinance and therefore this decision currently remains in the political realm. Kelley moved to approve the installation of speed humps in Chadwick Place per the residents' request for approximately \$1100 each plus installation, seconded by Holland. Motion carried 5/0. Collins agreed in principle to the ordinance and that it does indeed need some revision. Best asked Mansour about the ability of the speed trailer to perform the necessary function for this ordinance relating to the percentage of vehicles traveling over the posted speed limit. Mansour said other speed trailers with which he has work in the past were capable of it. He does not yet know if the City's trailer is equipped with that program but is still working on it.

Wood presented again the updated Personnel Handbook provided in the October packets. He said there was one error on the cover memo from last month. The decision to transfer donated sick time is to be made by the City Manager rather than the City Council. All else is the same as was presented in October. Holland ascertained if Mecklin is still comfortable with the Handbook. Mecklin said yes. Collins asked Wood to review the major changes for those in attendance. 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 although no sick leave would be deleted from those who current have more than 720 hours; a provision for donating sick leave in approved cases; and, the addition of a rule requiring proper credit conduct by employees. Collins clarified this still retains the 11 paid holidays. Holland moved to amend the Personnel Handbook as presented this date, seconded by Kelley. Motion carried 5/0.

Wood presented the Second Quarter Budget Revisions with additional reductions in revenue and consequent expenditures based on Mayor and Council instructions over the past month. Holland said he is still worried about the City's ability to have a balanced budget at the end of the fiscal year as required by law. Collins said he is still a proponent of cutting staff and not services. He believes there are positions which can be eliminated and thereby preventing furloughs. Kelley noted the only control the City has is what is spent. Wood provided the October financial update showing revenues are under budget by only 12.3% over the seven months of this budget year (property taxes are due in December). Best said furloughs should be the last step the City takes prior to bankruptcy. He agreed the City must bring the budget inline, but noted that some employees are so close to losing everything themselves, they need to know they have a reliable income. Furloughs could put some employees into bankruptcy. Holland said quarterly budget revisions should become a monthly item instead. Collins said there is danger in waiting until too close to the end of the fiscal year to make corrections to shortfalls. Wood suggested several capital projects which could be delayed until next budget year. Collins said he is opposed to delaying projects which move the City forward. Wood said there are three part time Recreation Department positions, two Police Department positions and the Library Manager position which are vacant and will not be filled in this budget year. After further discussion, Holland moved to approve the Second Quarter Budget Revisions presented in the November package, seconded by Amidon. Motion carried 4/1 with Best opposed. Holland then moved to make monthly revisions to the budget, seconded by Marchman. A vote was not called for.

Under New Business: Wood asked Chief Mansour to present the November Employee of the Month Award. Mansour introduced Office Steven Lujan, a three year veteran with the force

whom he called a very professional officer. Officer Lujan was present to receive the plaque and check.

Chief Mansour presented a request to increase the fines for Driving without a License. The discrepancy in current fines was pointed out by the City's Municipal Court Judge following the enactment of State Legislation making a fourth offense into a felony. Mansour asked that the current fine of \$150 be revised to \$500 for a first offense, \$750 for the second and \$1000 for the third offense, the fourth automatically being a felony. This would give the court more leeway in sentencing violators of this offense. Mansour also noted that this does not apply to drivers who have a valid license which is just not on their person at the time of a traffic stop. Those who do not have a valid license will be brought into the office for fingerprinting and bonding. Mecklin said it is his understanding that the minimum of \$500 is now mandatory through the new legislation. Best moved to accept, seconded by Kelley. Motion carried 5/0. Mansour asked when this would become effective. Collins said it would be effective at midnight this date.

Collins opened a discussion regarding the status of a drive known by some as Old Leslie Drive and whether it is a public street or a private driveway. [The drive services a land locked property (517 Leslie Drive) and runs off U S Hwy 78/W Bankhead Hwy between Little Wild Cats Daycare (516 W Bankhead) and the property of Grady & Betsy Henley (575 Leslie Drive) who believe it is entirely on their property.] Mecklin reported on the investigation he was asked to conduct of the properties in question. He has found plats on record which show the drive as a public street, a private driveway, and even an alley way over the course of time. He said it will take someone with knowledge of how it has been used and perceived over the years for Council to clarify its status. Wood reported that Carroll County maps show the drive as a part of the Henley property. Holland, in whose ward this is located, and who has lived in that vicinity for 31 years, said this had always appeared to be a road to him. Holland said he has talked with citizens who said they used to play on it as a road fifty years ago and longer. He said these citizens have considered it a road for public use for more than fifty years. Mecklin said the road abuts or borders on at least four properties and he is convinced that each of those properties have at least some rights to it. It is the only ingress and egress to the property listed as 517 Leslie Drive and the plat for that property does list the drive as "Leslie Drive, also known as Old Hwy 27". Holland moved that, based on the usage of the land for over fifty years by at least four different households, the City recognize Old Leslie Drive as a City street, seconded by Kelley. Best asked about the beginning and ending point of Old Leslie Drive. Mecklin said all of the plats show a 20- to 24-foot right-of-way beginning at Highway 78 and ending at the Smith Property line. Holland amended his motion to include a 24-foot right-of-way. Motion carried 5/0.

Freeman presented RA-05-09, a request by Linda Walker of Villa Rica to rezone ±0.4 acres at 500 Dallas Road from Residential (R-20) to Office and Institutional (OI) for the purpose of office development. After a brief discussion, Collins opened the floor for public comment. There being no comments, the floor was closed. Kelley moved to grant the request for RA-05-09, seconded by Holland. Motion carried 5/0.

Freeman presented RA-06-09, a request by John Bentley of Villa Rica to rezone ±0.34 acres at 504 Dallas Road from R-20 to OI for the purpose of office development. Collins opened the floor for public comment. There being none, the floor was closed. Holland moved to grant the request, seconded by Kelley. Motion carried 5/0.

Freeman presented RA-07-09, a request by Robert Hollis of Villa Rica to rezone ±0.42 acres at 510 Dallas Road from R-20 to OI for the purpose of office development. Collins

opened the floor for public comment. There being none, the floor was closed. Kelley moved to approve, seconded by Holland. Motion carried 5/0.

Freeman presented a resolution to adopt the updated Comprehensive Plan as required by the Department of Community Affairs and covers the years from 2008 to 2028. Best moved to approve the update, seconded by Kelley. Motion carried 5/0.

Deputy City Manager–Utilities, Eric Lacefield presented a resolution from the Georgia Environmental Facilities Authority (GEFA) loan agreement for the North Loop Water Line Project as was previously approved in open meeting on May 5, 2009 and September 1, 2009. Lacefield asked that Council authorize the Mayor, City Attorney, City Manager and City Clerk to sign the GEFA document. Holland moved to authorize the proper people to sign the document as presented, Kelley seconded. Motion carried 5/0. Best asked if this involved money to pay for the pipe that is already laid out on Conner, Old Town and other places. Holland noted that Council had already approved the project. Mecklin said Council has approved the concept and idea of the loan agreement but GEFA needed the specific wording of this Resolution for the State Revolving Fund loan approval.

Freeman presented ORD-03-09-UDC to amend Article 3, Table 3-1, *Land Use Matrix*, of the Unified Development Codes to omit the allowance of fuel pumps in OI per Council recommendation at the previous meeting. Holland moved to approve the ordinance, seconded by Amidon. Motion carried 5/0.

Holland moved to withdraw ORD-09-12-CCO, Peddling Soliciting and Canvassing amendment, seconded by Kelley. Motioned carried 5/0. A new amendment will be presented at the December meeting.

Wood presented ORD-09-13-CCO, an amendment to the Cemeteries Ordinance to clarify ownership, responsibility and other matters regarding grave sites and associated property in City Cemeteries. Kelley moved to table until December, seconded by Holland. Motion carried 5/0. Mecklin said he believed it to be a well-written ordinance but he had requested the removal of specific fees from the ordinance which will instead be listed on the Schedule of Fees.

Wood presented one contract for Council Consideration:

1. One year renewal of Inmate Labor Agreement with the Carroll County Sheriff's Department, same fees as last year at \$11,625 per quarter for each of the three work details being used by the City. Holland moved to approve, seconded by Best. Motion carried 5/0.

Lacefield presented a request for Change in Scope of the In-town Gravity Sewer project to allow T J Lyle & Company to add an emergency replacement of 350 linear feet of sewer line on Westview Drive for a total of \$12,108.10. This was not included in the original contract. Holland moved to approve, seconded by Marchman. Motion carried 5/0.

Under Consideration of Bids, Lacefield presented one item:

1. Concrete foundation for the Lime Slurry building at the North Plant. Low bidder was Dean Grading at \$11,500. Funds will be transferred from another North Plant project with is on hold. Kelley moved to approve the low bidder, Dean Grading, at \$11,500, seconded by Best. Motion carried 5/0.

Chief Mansour, under items for payment over \$5000, asked that his request for three in-car cameras be postponed at this time. The Department is going to attempt to use cameras from salvaged units for the three new patrol vehicles. Mansour requested permission to bring this request back if that doesn't work. Council expressed appreciation for the

Department's attempt to save funds. Holland moved to withdraw the request for now, seconded by Kelley. Motion carried 5/0.

Under City Update, Wood handed out copies of a monthly report to the Mayor and Council. Deputy City Manager—Services Jeff Reese gave a brief update on the Amphitheater project. Wood updated Council on the progress of storm recovery from FEMA. The City will be responsible for twenty-five percent of the costs incurred during the major flood.

Collins opened the floor for public comment. There being none, the floor was closed.

Holland asked for an Executive Session for the purpose of discussing personnel matters. Best so moved, seconded by Kelley. Motion carried 5/0. Adjourned into Executive Session at 8:30 p.m.

Council returned to regular session at 8:45 p.m.

Collins announced there was no action taken in Executive Session.

With no further business, Kelley moved to adjourn; seconded by Marchman. Motion carried 5/0. Council adjourned at 8:45 p.m.

J Allen Collins – Mayor

ATTEST:

Reedell Saxon – City Clerk