

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, May 5, 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 35 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.

The minutes from the April 7, 2009 meeting was presented. Amidon moved to approve the minutes, seconded by Kelley. Motion carried 5/0.

Wood presented the financial update for the first month of the FY2009-2010 year. Wood said General Fund revenue for the first month of the fiscal year is approximately \$15,000 less than for the same month last fiscal year. General Fund expenditures include payment for the annual general liability insurance which was paid earlier than last year so the amount is actually about the same as last year's expenditures for the month. Water & Sewer revenues are over what was budgeted and the expenditures are under budget. The increase over last year is due, again, to the general liability insurance pay out. Wood said the carry over in Capital Projects is \$16,725,000, mostly for the West Water Reclamation Facility but also includes the SR61 water main installation, Lake Cowan pump project, Lakes Paradise/Fashion dam and a Mirror Lake water line project. He also reported three vacant positions: one at the library and two at the police department. Collins asked if Wood expected the revenue shortfall to continue. Wood said no, this is typical for the City to begin the fiscal year spending more than it takes in. The Local Option Sales Tax has been the biggest shortfall coming in under projection.

Under Old Business: Collins presented the Mayor's Vetos for Council consideration. Holland suggested considering the line-item vetos of the budget by line. Holland moved to overturn the veto of the [mechanics helper] position in the Building and Vehicle Maintenance department, seconded by Best. Best pointed out that the three people currently in that department are doing the jobs as defined by ARC [Atlanta Regional Commission]. Collins said he did not believe the City needed a supervisor to supervise two people. The motion to override failed due to the lack of a supermajority, 3/2 with Holland and Kelley opposed.

The second line-item vetoed was for half the salary and benefits for the position of the Planning and Zoning Manager/Interim Community Development Director. Holland reported having heard from a number of people opposed to this because Planning and Zoning entails more than just planning and zoning: it includes community development, historical and quite a few other things and this is an incorrect move. Collins said he has received support both for reducing the position and for keeping the position. He acknowledged the many written comments from the community. Kelley said the consensus from the comments he has received support keeping the position full time and that much more is done through that position that Kelley had realized. He said he agrees some cuts in that department are needed but not this one. With that he moved to override the veto, seconded by Holland. Motion carried 5/0.

Collins presented his veto for increase in the household garbage pickup rate. Holland moved to override, seconded by Kelley. Motion carried 5/0.

Interim Community Development Director, Taurus Freeman presented the second reading of ORD-02-09-UDC, an amendment to the Sign Ordinance to modify the requirements for existing non-conforming signs to allow replacement signs of the same height and square footage. Freeman said the Planning and Zoning Commission (P&Z), having reviewed this amendment, recommend denial. Freeman said the proposed revisions also created a new sign corridor along Punkintown Road/Mirror Lake Blvd which would allow signs to be ten feet tall instead of eight feet among other modifications. The P&Z also recommended denial for this portion. Collins asked whose idea this amendment was. Freeman said Council instructed this. Best reminded Council that the Punkintown corridor revision was intended to give some leeway similar to Hwy 61 but not like Hwy 5. He suggested that this be postponed until next month to divide the two changes into two separate ordinances. Holland agreed because he believed the Punkintown corridor was working the way it was. Kelley wanted the corridor portion taken out and the rest presented by itself. After some further discussion, Collins opened the floor for public comment. Mike Gill, 465 Daniel Road, also a member of the P&Z, explained the reason for a recommendation of denial which focused on aesthetics and standardization. Kay Smith, 9636 Coastal Pointe Drive, wanted Council to follow the direction of P&Z and leave the Sign Ordinance as it is. There being no further comments, the floor was closed. After some further discussion, Kelley moved to leave the Sign Ordinance as it is currently written, seconded by Amidon. Collins clarified that the meaning was to deny ORD-02-09-UDC. Motion carried 4/1 with Best opposed.

Wood presented a resolution, postponed from April, to modify the retiree insurance continuation. The resolution passed in 2004 allowed an employee with at least ten years service to retire at age 55 or older and continue the group insurance coverage until age 65 with the retiree and the City each covering fifty percent of the monthly premium. The resolution presented this date modified the age requirement to 62 years of age or older. The only individuals grandfathered in under the old resolution would be the two retirees currently signed up to this program. Council asked Mecklin about the legal ramifications if anyone considered this a benefit. Mecklin said this shouldn't be a vested benefit but if this question is raised later, it could be considered on an individual basis. Wood said the City is in the process of revising the employee handbook and the new policy would be stated there. Holland moved to adopt the resolution, seconded by Kelley. Motion carried 5/0.

Under New Business: Wood asked Parks and Recreation Director Jeff Reese to present the May 2009 Employee of the Month, Carla Smothers, who is the manager of the Gold Museum. Smothers was on hand to receive her plaque and check.

Polly Oliver, chairman of the *Villa Rica Beautiful* Committee, presented the Committee's Strategic Plan for the immediate and intermediate future. Using their mission "to create community awareness, coordinate beautification activities and undertake projects what will enhance the beautification of the City" the Committee plans to use volunteers and donated materials to dress up the "gateways" such as City Hall, I20 exit 26, State Route 61 into the city, and similar locations. Other projects include annual programs such as Clean Up Days, Adopt-a-Road, Electronics Recycling Day, and Bring One for the Chipper (Christmas tree recycling). Mrs. Oliver noted that all flora planted would be low maintenance and drought resistant.

Wally Hibbard, chairman of the Villa Rica Historic Preservation Commission, told Council about an upcoming event sponsored by the Commission: an Open House which will be held on May 14, 2009 at 7:00 p.m. at the former Berry & Bean location. This is open to the public with featured speaker Dr Ann McCleary of the University of West Georgia. Dr McCleary has been contracted by the Commission to conduct a survey of the historic architectural structures in Villa Rica. He also expressed his appreciation for the Council

action which preserved the Community Development Director position because of how much the all-volunteer committees and commissions rely on Freeman.

Freeman presented ORD-03-09-Annex, requests by seven property owners for annexation into the City Limits. The locations are 610, 614, 615, 617, 618, and 626 Emerald Dr and 639 Rocky Branch Rd. Freeman said the properties, in whole, are contiguous to the current City Limits and follow all the rules and regulations of the State of Georgia. Staff recommended approval. Best asked if this was in direct response to the emanate loss of the street lights in that area for which the City was paying by mistake. Wood said most of the property owners who are requesting to be annexed are senior citizens who will be able to take advantage of the reduced water and tax rates for seniors. Collins opened the floor for public comment. There being none, the floor was closed. Holland moved to adopt the ordinance as presented, seconded by Best. Motion carried 5/0.

Freeman presented ABL-03-09, an application by Reina Galarza, Villa Rica, for an alcohol beverage license for retail package sales of beer and wine at La Chiquita, 901 S. Carroll Road, Suite J. Freeman said the applicant has met all the requirements and staff recommends approval. Ms Galarza was present to answer Council questions. Holland moved to grant the license, seconded by Holland. Motion carried 4/1 with Marchman opposed.

City Accountant Shari Smith presented ORD-09-09-CCO, Identity Theft precautions, *aka* "red flag ordinance". Smith said the purpose of the ordinance was to insure the City had the proper procedures in place to protect the personal information received from customers. It includes verifying information on service applications, limiting access to customer information by staff and training those personnel who collect and input the information to recognize fraud. Smith noted the ordinance is a requirement of the Federal Trade Commission under the *Fair and Accurate Credit Transaction Act of 2003*. Holland moved to pass the ordinance, seconded by Marchman. Motion carried 5/0.

Deputy City Manager, Utilities, Eric Lacefield presented a Resolution to authorize the application to the Georgia Environmental Facilities Authority (GEFA) State Revolving Fund grant for water line improvements. Lacefield said the project is estimated at \$525,000 with a 40% principal forgiveness under the program guidelines. The balance would be repayable over twenty years at 3% interest. GEFA does require 2% closing costs initially. After some Council discussion, Kelley moved to accept the resolution as written, seconded by Amidon. Motion carried 5/0. Lacefield reminded Council about the Public Hearing on the water line improvement project to be held at this location on Thursday, May 7, 2009 at 6:00 p.m.

Wood asked for consideration and direction on changing the pension vestment period back to ten years from the present seven years. Wood said all current employees would fall under the seven year pension vestment period. Once the Georgia Municipal Association (GMA) wrote the new policy and Council adopted it, anyone hired after that would be subject to the ten year vesting. Wood told Council that GMA could have a document for their consideration by the June meeting if Council instructed staff to proceed. After a brief discussion, Kelley moved to proceed with the ten year vesting, seconded by Holland. Motion carried 5/0.

Reese presented an amendment to the Parks and Recreation Policy that would address tobacco use at parks and limit exposure by non-tobacco users. Reese said any limitation to tobacco use would have to be enforceable and also not be so limiting as to alienate parents from their children's sporting events. The policy was approved by the Recreation Advisory Commission. Council asked about putting up signs. Reese said that would occur. Mecklin

suggested the addition of “Tobacco use would be prohibited at any other time or location which, due to special circumstances, the Recreation Director bans the use of tobacco products.” He gave an example of extreme drought and the inherent danger of discarded lit cigarettes or ashes in pine straw. Holland moved to authorize the Rec Department to make changes as presented, seconded by Best. Motion carried 5/0.

Freeman presented a Letter of Endorsement of the Main Street program. This is in conjunction with the annual Main Street assessment. After some discussion, Kelley moved to support the Letter of Endorsement, seconded by Marchman. Motion carried 5/0.

Freeman presented a status report on the Transportation Enhancement (TE) Grant. Before he began, Councilmember Holland recused himself since a portion of the path of a Multi-use Trail being funded by the TE Grant involves property belonging to a family member. Freeman said the original project to create this Multi-use Trail from the downtown area to Mirror Lake Blvd has been divided into two phases with Cleghorn Drive as the end of phase one and the beginning of phase two. Freeman said the City has applied for another 80/20 grant to fund phase two. Following the presentation, Holland returned to his seat.

Wood and Reese presented six items under Consideration of Bids:

1. Abatement/Demolition/Grading old Avanti – 22 sealed bids were received. Staff recommended the low bidder Drummell Waste Services at \$92,860.00 which is well under the \$170,000 budgeted. Reese said previous customers of Drummell gave good recommendations and there was no negative information found. Holland moved to award the low bidder at \$92,860.00, seconded by Kelley. Motion carried 5/0.
2. Replacement mowers for work detail – Only two bidders responded. This was an emergency purchase due to grass season. The City bought the mowers from the low bidder, Douglasville Ace Hardware, at \$21,574.32 for all four mowers. One half of this money will come from the Cemetery Fund and the other half from capital projects. Kelley moved to pay for the mowers at \$21,574.32, seconded by Best. Motion carried 4/1 with Holland opposed.
3. Four-wheel drive tractor and rotary cutter – There were six responders to the request for bid. Staff recommended the low bidder, Georgia Deer Farm, for a Massey Ferguson tractor with 6’ rotary cutter at \$28,475. This will increase the City’s ability to cut both the rights-of-way and the water/sewer lines. Wood said the two existing tractors will be used exclusively for road sides with the 4-wheel drive being dedicated to utility lines. Best moved to approve this purchase, seconded by Amidon. Motion carried 5/0.
4. Backhoe and trailer - There were five responders to the request for bid on the backhoe and four quotes obtained on the trailer. Staff recommended the low bidder, Yancey Caterpillar, at \$52,993 for the backhoe, including trade-in of the old one, and the low bidder, Nettie GA Trailer Sales, Inc., at \$11,250 for the trailer. Wood noted that the distance between city facilities has made it necessary to trailer the backhoe rather than drive the backhoe to these sites which causes damage the transmission. Best moved to accept both items, seconded by Amidon. Motion carried 5/0.
5. HVAC for 2-story concession/restroom/score stand – four bids were received, Staff recommended Don’s Heating & Air, the low bidder at \$12,400. Reese said the system was a heat pump system with a SEER [seasonal energy efficiency rating] of 13, which is “green”. Kelley moved to accept the bid, seconded by Best. Motion carried 5/0.
6. Aluminum Truss system for stages at the V-Plex and at Gold Dust – Three bids were obtained. Staff recommended the low bidder, High Energy Lighting, at \$6518 for the portable system which can be transported to either park. Reese said the original cost of \$50,000 for two stages was removed from the budget so his staff built stationary

concrete stands at both parks for approximately \$10,000. This portable stage would bring the total of both stages to around \$20,000. Best asked about the training center completion. Reese said that was on hold now. It will take approximately \$25,000 to finish that building. After further discussion, Kelley moved to make the purchase, seconded by Holland. Motion carried 5/0.

Wood presented two items under Consideration of Contracts

1. Georgia Power Franchise Agreement – an amendment to the existing franchise agreement which will extend that thirty-five year contract for another twenty years, maintain the responsibility of Georgia Power to relocate poles for non-beautification projects, but eliminate that responsibility for relocations due to beautification projects. Wood noted that the City received approximately \$658,000 in franchise fees last year. Local Georgia Power Manager Kathy Yates addressed Council about this amendment. Holland asked why this was being presented over a year before the actual expiration of December 2010. Ms Yates said Council did not have to approve this now, but she was being proactive. Other cities in the area have already renewed. Kelley suggested this be put off for at least a couple of months. After further discussion, Marchman moved to approve the contract, seconded by Best. Motion carried 3/2 with Kelley and Holland opposed. Mecklin noted that GMA has been negotiating with Georgia Power to improve the language and benefits to Georgia cities. He said the terms of the contract amendment have been set through those negotiations and will not change.
2. Gaston Outdoor Advertising – Mecklin said Alan Gaston has signed the contract with the Villa Rica Board of Tourism. Holland said he received a request from Rusty Dean, treasurer of the Board of Tourism who asked him to pass on to the Council that the Board is in favor of Council approval. Mecklin explained that a billboard facing I-20 is owned by Gaston and is located on a small parcel of City property on which Gaston was paying \$450 per month rent. The original agreement with the City has expired and the City could raise the rent. However, the Board of Tourism and Gaston have negotiated (through Mecklin) an agreement whereby the Board will have the use of one side, or face, of the billboard which typically leases for \$1200 per month. While the Board will pay for the installation of artwork for one face, the monthly lease will be free. Gaston will still have full use of the other face with no rent to the City. Kelley pointed out that Council had cut the amount of funds they were giving to the Board of Tourism to save money and now it's being given back to them through elimination of City income. After further Council discussion, Holland moved to authorize the City Manager to enter into the contract on behalf of the City, seconded by Amidon. Motion carried 4/1 with Kelley opposed.

Wood presented a City update. Two new businesses have opened in the City; citizens can wash cars, spray mildew off homes, but are still under the odd-even system from midnight to 10:00 a.m.; Bank of North Georgia will be housing the SPLOST account for Villa Rica with a variable rate interest of 0.75% this year and 2.5% below prime thereafter; the City has a maintenance contract with the DOT on SR61 from Bankhead south to South Carroll and a maintenance contract is needed for the remainder of State roads within the City; a total of \$1,170,000 in grant money has been issued to the City in the past 3 years; the West Water Reclamation Facility is on schedule and may actually finish ahead of schedule; Wood and State Representative Tim Bearden have met with David Doss, regional director of the DOT, about furthering the North Loop.

Collins opened the floor for public comment:

Mike Gill, 465 Daniel Road, applauded the City Council for upholding the budget vote from April and expressed disappointment in the Mayor for “nit-picking” the Planning and Zoning budget. He wondered if there is a legal problem with making employee positions political. Gill made several comments in support of the Community Development Manager.

Ruth Langdon, 102 Ashbury Drive, talked about a littering problem on Berry Drive and asked that “Do Not Litter” signs be installed in that area.

Charlotte Leathers, 1455 E Hwy 78, Temple, said she and Honey Skinner are reopening Ruby’s next week.

Chris Hembree, 300 W Church Street, thanked the City for their enthusiasm for the Optometrist Office he has opened where the Black Dress was.

There being no further comments, the floor was closed.

Collins responded to comments by Gill. He said the vetos were not personal and that he had talked to Freeman about what a good job he was doing and to let him know they were not personal. He said the veto amounts to a philosophical difference between himself and others and that the checks and balances are in place as is evident with the override of his veto.

Kelley moved to adjourn to Executive Session for the purpose of discussing pending legal matters, real estate acquisition and personnel issues, seconded by Amidon. Carried 5/0. Adjourned into Executive Session at 9:07 p.m.

Council returned to open session at 9:57 p.m. Mecklin stated that Council gave approval to the City Manager to make an offer on some property. Further information on the property would be revealed in open session when it is appropriate.

With no further business, Kelley moved to adjourn; seconded by Marchman. Motion carried 5/0. Council adjourned at 9:57 p.m.

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J Allen Collins – Mayor

ATTEST:

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Reedell Saxon – City Clerk