

The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, April 6, 2010 in the Council Chambers at 101 Main Street, Holt-Bishop Justice Center, Municipal Courtroom. Those present were Mayor J Collins; Council members Rusty Dean, Verland Best, Patrick Henrickson and Shirley Marchman; City Manager Larry Wood, and City Attorney David Mecklin. Approximately 52 people were in attendance.

Collins called the meeting to order at 7:00 p.m. on April 6, 2010. The invocation was given by Councilman Verland Best. All recited the pledge of allegiance.

Best made motion to approve minutes from the March 9, 2010 Council meeting/Dean seconded. 3/0 motion carried. Marchman & Holland not present for vote.

Best made motion to approve minutes from the March 16, 2010 called budget meeting/Dean seconded. 3/0 motion carried. Marchman & Holland not present for vote.

Wood presented the Financial Update: GF revenues under budget \$314,359; Total revenues close to budget revenues, \$9.1 million; property taxes under by \$128,104 (partial March and Douglas County receipts not booked); GF expenditures \$8.3/under budget at \$782,321; Water/Sewer operating rev over budget, \$54,918; Tap fees under budget \$316,450; YTD under budget \$35,767; Operating expenditures under budget, \$1,484,311; 4 vacant positions; West WWTP 8 days ahead of schedule, remains under budget, total earned project to date, \$22.5 million.

### **Old Business**

A resolution to re-establish the Finance Committee was presented by Wood. Henrickson commented that this eliminates the votes of other council members elected to represent their ward. Wood confirmed we would have to have 3 votes, and if one committee member is unavailable one of the other council members would be contacted, also that wording had been changed from emergency to time sensitive. Best stated that he does not care how many are on committee, but that there needs to be a formal procedure in place and this creates a formal procedure, Dean agreed. Mecklin stated that just going around as we are now doing creates a problem with the open meeting act, and with a set procedure you could actually call 3 council members together to approve or disapprove a document. Best made motion to establish the Finance Committee with guideline suggested by Mecklin/Dean seconded. 3/1 motion carried. Henrickson vote no and stated he still felt this did not represent all those elected to represent their wards.

Wood presented resolution to change council insurance from free to council members paying for their insurance the same as a full time city employee, saving the city \$15,000 annually. Best made motion to accept this resolution/Henrickson seconded. 4/0 motion carried. Mayor will reorganize committee.

Mayor appointed the following to the a committee to come up with a name for the new amphitheatre : Carolyn Camp, representing the VR Tourism Board, Valerie Wilhelm, representing DDA, Patricia Proctor, represent original Main Street Historic Committee, Pete Croft, Jim Pack, and L.M. Spears, Jr. representing private citizen sector and Amy Brown representing downtown business sector.

Wood presented recommendations for sports track located at property behind Glanton Hindman and next to Garden of Rest Cemetery. Presented survey done by Keck & Wood and information researched by Ms. Daniell which shows cemetery established in 2002 and consisting of 1.2 acres, fence needs to be moved another 30 feet to enclose entire cemetery and to give space for turn around. Best suggested that a line run down the middle of the survey to the fiber optic and property on the left be designated for the cemetery and that still leave plenty of room for school. Dean made

motion to designate all property to the left of the center line to be used as a cemetery and for the city to install a turn-around/Marchman seconded. 4/0 motion carried.

Mecklin stated that we need to draw up a contract between the county, school board and city to document and establish guidelines for the use of the portion of the property to be used by the school as a track. Mecklin will work on drawing up contract.

Wood presented mayor and council 2010-2011 budget with adjustment requested at the March 16, 2010 called meeting. Changes requested and presented to council and for the record:

- 1) Mayor requested a 20% reduction in his compensation, \$600 per year reduction
- 2) Cost sharing on insurance for council members, \$15,000 savings per year
- 3) Cut cost of equipment rental, golf carts, Gold Mine, \$3000 savings per year
- 4) Add cost to purchase golf cart for Gold Mine, \$3000 one-time cost
- 5) Add cost to purchase snow equipment, \$15,000 (cost off set by saving from council insurance change).
- 6) Reserve line item to be changed to contingency line item – comments on this item: Mayor has agreed to disagree with Councilman Dean regarding this change, Dean stated basically the same but with change gives more flexibility, Henrickson asked why more flexible, Mayor harder to get and use if in Reserve. Dean, it is easier to get from contingency, does not have to go into public hearing, but regardless you still have to have the 3 council votes to use.  
Best placement not the issue, issue is to be sure at end of day we have \$300,000 in place to make payment on treatment plant to keep from raising cost of utilities to the public.

Best expressed that he was not in support of the Gold Mine but had agreed to give it 3 years to see if we can make a good of it, he will continue to voice his opinion, but will continue to give it the 3 years, and then re-visit his support. Mayor would like to see another \$500,000 cut from current budget and asked for a motion to eliminate line item 4100-001 and 3210-003 located in the salary section of the budget. Henrickson asked to revisit the snow equipment and made a motion to remove that item from the budget/no second, motion dies. Best suggested that we did not need a snow plow but we did need a spreader to keep from possibly injuries of city employees shoveling salt or rock off the back of a city truck. This could also be used to fertilize ball fields. Best made motion that we spend no more than \$15,000 for a spreader system/Dean seconded motion changing it to read “to buy snow equipment with type to be determined at later date. 3/1 motion carried. Henrickson voted no. (note: Henrickson asked that item be tabled, Best stated it needed to be placed in the budget, Wood stated would not purchase without bringing back to council at a later date)

Mayor brought back request for a motion to eliminate line items 4100-001 and 3210-003. Henrickson and Marchman requested clarification of these line items. Best made motion to approve elimination of items/Henrickson seconded. 2/2 tie vote, Mayor used his authority to break a tie vote and voted in favor of elimination of the two line items presented. 3/2 motion carried.

Wood asked if council wanted to vote on the budget or have city to continue to work under current budget. Best made motion to accept budget with amendments/Henrickson seconded. 2/1/1 – Dean voted no, Marchman abstained. Motion carried.

### **New Business**

Laura Frey presented the employee of the month plaque to Michelle Capers, Library employee.

Wood presented resolution to change City Council start time to 6:00pm. Henrickson made motion to change start time to 6:00pm/Dean seconded. 4/0 motion carried.

Freeman presented Peddlers Ordinance to mayor and council. Our current code was changed in December 2009 and under this code all produce grown or purchased is prohibited. If council chooses to allow grown or purchased produce, currently there are no restrictions and vendor can set up year 'round, does not have to obtain a business license and locations are not regulated. Best several years ago we set up so home grown produce could be sold inside the city limits, but problem has been, nowhere to set up except right of way and no parking. Would like to prohibit from selling on right of way, but still allow "maw & paw" to set up. Need to have a designated area and time and get permitted, pay or no pay. Dean if home grown, no fee, if repurchase, pay fee. Dean made motion to change ordinance to allow home grown produce to be sold in the city limits/Best seconded. 4/0 motion carried. Marchman asked about legality of selling cars out of yard. Freeman stated you cannot sell more than 3 cars per year, anything over that you have to get permit from state.

Wood presented ARC Grant Application to council. Application was submitted last week and this will be brought back to you next month. Ask that you, just for public record, to make application or not. Best made motion to approve/Henrickson seconded. 4/0 motion carried.

Wood presented ORD 10-03-CCO Water and Sewer revision. This revision is to clarify water rates and request that you let us use the 200% water rate for irrigation and hydrant meters. This is consistent with what the Metro North Georgia Planning district has asked us to do. Best made motion to approve/Henrickson seconded. 4/0 motion carried

Mansour presented package presentation regarding Probations Fees. Councilman Dean asked PD to look at bring Probation in house, PD researched and visited Dalton PD who has in house probation. Start up would require one (1) probation office, one (1) receptionist, office equipment, uniforms and cost for start-up is in your package. Mayor asked if these numbers were conservative, Mansour, no, in fact start up would most likely be less due to the fact they would combine probation office and GCIC rather than having a new hire. Mayor asked if PD could collect unpaid fines better than service if a police officer went out or called, Mansour said he hoped they would respect the officer, but comes down to the fact if they don't have the money they will not pay. Due to the fact that we no longer have a staff person to supervise administrative and courts I would not suggest going in this direction at this time. Mayor stated Mansour supervises all his staff. Dean, need to move forward with this to be good stewards of our money. Henrickson, how many currently on probation and percentage that does not pay. Mansour currently less than 200, usually around 10% do not pay. Also need to be sure we can satisfy state regulation that you have to be in probation collection for 5 years before you can bring in house, but according to Dalton PD, VRPD has been in probation collection, just farmed it out. Dean made motion to move forward and give Chief 30-60 day to get this process in order and bring back start up, if problems occur we can always step back/Henrickson seconded. 5/0 motion carried.

Scott presented Vehicle take home policy which was requested by Best. At this time the maintenance cost would be less, but insurance would go up as well as it would cost city \$369,000 to purchase needed cars. Best suggested that this be in file for later date, the cost of the vehicles is too high in this economy. Best commended Scott on his research and work on this project. Scott did suggest that the investigators be allowed to take home vehicles which would mean they could get to an investigation site quicker. Some live outside city limits. It was decided to leave the determination of take home for investigators up to the discretion of the chief and city manager. Henrickson made motion to allow investigators to take home vehicles/seconded by Best. 4/0 motion carried.

Freeman presented ABL-01-10, Bhamani Investment, for retail package malt beverages sale at Citgo Food Mart, 143 E. Montgomery Street. Best asked if the church was still behind station,

Freeman, no church has moved. Best made motion to accept/Dean seconded. 3/1 motion carried. Marchman voted no.

Freeman presented ABL-02-10, Judy Scott, for limited pouring license, at Forever Berry's located at 103 W. Montgomery Street. No discussion by council. Dean made motion to approve/Best seconded. 3/1 motion carried. Marchman voted no.

### **Consideration of Contracts**

Wood presented the Douglas County Ad Valorem Taxes to council. Cost has remained same for past 5-6 years, recommend council approve. Best made motion to accept/Henrickson seconded. 4/0 motion carried.

Wood presented auditors financial statement to council. Dean made motion to accept/Best seconded. 4/0 motion carried.

### **Payments over \$5000.00**

Wood presented payment for screens for North Plant from JWC Environmental for \$97,697.00. Best made motion to accept/Henrickson seconded. 4/0 motion carried.

Wood presented payment for Grinder units from Carl Eric Johnson in the amount of \$9058.00. Best mad motion to accept/Henrickson seconded. 4/0 motion carried.

Wood presented payment for baseball & softball uniforms from Cedarstream Company. Best made motion to accept/Dean seconded. 4/0 motion carried.

Wood presented payment for 800 MHz radio system with Carroll County in amount of \$150,841.42. This system will connect the city with statewide emergency agency. Marchman made motion to accept/Best seconded. 4/0 motion carried. Wood as footnote this comes out of narcotics fund not general fund.

Wood presented city update. 1) commend community service for great job on clean up at Hill Crest and Garden of Rest Cemeteries; 2) Amphitheatre moving along, irrigation in and grass is getting green, Grand opening May 8<sup>th</sup>; 3) Good progress on WWTP; 4) Publically want to thank my staff for all their hard work and support.

### **Public Comment:**

Ray Seacrest, 34 Lilly Oak Court, Villa Rica – selling peanuts at Van Wert & Highway 78. Would like you to review peddlers ordinance and I don't mind paying a fee. Store owner gave permission to use his property and this helps in also. Just a good old southern tradition.

Tony Ashmore, 212 Eagle Flight, Villa Rica, GA – pastor of Church at Mirror Lake and need your help with Quartz Drive which is a dead end street. Initially when we and others purchased our land plats showed street being thru streets and we built on the back lots for that reason. Currently we have 400 cars a week every Sunday dumping out onto Connors Road. Mayor asked if that plat was submitted with road connection. Initial plat we looked at in city office and when we paid premium prices for our property and they call it a temporary now, but the original showed it going thru. Freeman at the time the property owners showed them going thru but property owner has gone in a different direction. Ashmore, this effects other property owners and value, can't just start changing things around. Mecklin will look into it but stated that he knows the city has never accepted that city at this point.

Dr. Michelle Vera, 1012 Chestnut Creek, Villa Rica – I have a doctors' office located in the area that Pastor Ashmore is talking about and I just ask ya'll to drive by and see how trashy it looks and people coming into Villa Rica this way see that. It just looks trash and we have a nice city and if the

road is not fixed at least clean it up. We understood that the roads would go thru but also understand there is some controversy regarding the road. Thank you

Ronnie Views, live in Bremen but represents Calborn Properties – owns two building on Permiam Way which comes off Conners Road, connect to us and Church at Mirror Lake. We are targeted at the medical profession and currently have 3 tenets, with possibly 8 tenants. We also have a potential new tenant, a dentist, but when we bring possible tenants in and they look at that road they ask what is going on here. It is an eye sore and I agree with Dr. Vera that we don't want this. We intent to grow and this will bring in more traffic and could potentially become a safety issue. Thank you.

Mike Williamson, 3411 Doves Court, Villa Rica – comment-regarding employee of the month would it not be more beneficial to get gift certificates from our local merchants, we don't even know if when you give them a check for \$50 if they are spending it right here in Villa Rica. It would save double what the mayor is giving up. Total given out \$600.00.

Secondly at the last council meeting we had a lady from a subdivision who had problems and we all know about subdivisions that at one time did not require bonds, light and road were not finished. Do we know of any others, or event the restaurant at the V-Plex, is it city owned, leased? Is there tax payer money not being spent in our own wards. We have all had problems regarding bonds, and developments where folks have been left high and dry; we feel her pain, have experienced that at Mirror Lake. Is it fair to continue with these expenditures? Mayor commented that we would look into this, but that when the city goes and fixes something on a road that does not belong to the city it sets a precedence and that we must be cautious of this.

Bobby Curtis, Canton, GA, Well Star Property Manager, am in support of the situation on Permiam Way and also appreciate that you have an invocation and pledge, I don't see that much anymore and want to say thank you.

Mayor, we will go into executive session to discuss pending legal matters and property acquisition and any other matters that may come up. Best made motion/seconded by Dean 4/0 motion carried. Going into executive session at 8:55pm.

**Executive Session:**

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J Allen Collins – Mayor

ATTEST:

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Larry Wood – Acting City Clerk