

The Mayor and Council of the City of Villa Rica met on Tuesday, October 4, 2011 at 6:00 p.m. in the Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street to conduct the business of the city. In attendance were Councilman Rusty Dean, Councilwoman Shirley Marchman, Councilman Woody Holland, Councilman Verland Best, Councilman Patrick Henrikson, Mayor Jay Collins, City Manager, Larry Wood, City Attorney David Mecklin, and City Clerk Barbara Daniell. There were other city staff and citizens in attendance totaling 51.

Mayor Collins called the meeting to order and the Councilwoman Marchman gave the invocation. Following this the Mayor, Council and audience recited the Pledge of Allegiance

The Mayor presented all minutes from the October 4, 2011 council meeting for approval. Marchman made motion to approve/Dean seconded – Henrikson stated correction of vote on page two should read 3/1 not 4/1 – Marchman amended her motion to approve with changes - 5/0 with corrections – motion carried

Holland informed Mayor he was handed the following additions and passed these on to the Mayor. Mayor asked that item for payment of the roof installed on the plant to consent agenda and Richard Littleton to be reappointed to the VR Development Authority. Holland made motion/Henrickson seconded – 5/0 – motion carried

Financial update - (was not available at meeting but was forwarded to Mayor, Council and Clerk) For Current month: Cash Accounts, \$10.7 million; General Fund Revenues, \$1,570,807; General Fund Expenditures, \$555,502; Water/Sewer Revenues, 339,990; Water/Sewer Expenditures, \$515,446; Capital Project Expenditures, \$259,636; SPLOST Capital Expenditures, \$3,882.00. Year to Date: General Fund Revenues, \$3,719,666; General Fund Expenditures, \$4,330,075; Water/Sewer Revenues, \$3,061,951; Water/Sewer Expenditures, \$2,743,289; Capital Project Expenditures, \$699,903; SPLOST Capital Expenditures, \$324,969.

Currently have one position open at Police Department: Police Department Training Officer.

Consent Agenda– Purchase Police Vehicle - \$14,087.00 – Wood; Added at meeting – Jimmy Grissom - \$10,000 for roof on plant (as these items were already voted on and approved in budget there is no need for a second vote)

**Old Business:**

Clarification of removal of exclusion for City signs – Henrikson stated he just wants to get clarification on what the council voted regarding signs in right of way at October meeting. According to staff there is exclusion in ordinance that says city is exempt. Mayor stated he understood we would do away with all signs in right of way, private or city signs. Holland stated that is what we voted on. Mecklin agreed. Best thought that there was a state and fed law you stating you cannot put any signs on the state or federal right away and that we were trying to clear this up to be in line with state and federal laws. Best also stated that if you rent or use the mill for an event that you should be able to promote that event with a banner at that location. Holland asked for banner location and Best stated they would use the upper corner of the Mill.

The Mayor suggested maybe we ask some land owners if we could put some type of marquee signs up on their property. Henrikson said that this will be discussed under item 12 on the agenda and also that you can go to the city and get a sign permit for 30 days. Mecklin said rather than change ordinance, basically it is a city/council vote to instruct staff not to put in right of way.

Holland made motion to direct staff not to place signs in the right of way /Henrickson seconded – 3/1/0 Dean–voted against/Marchman abstained– motion carried

CU-04-11 – Conditional use personal care home – Alicia M. Felton, 2003 Reflective Waters Road – Freeman presented requested and stated it was postponed from last month. Planning commission on September 27 and recommend denial. Henrikson asked for name of subdivision- Ashley Place and entrance is on Tyson Road.

Ms. Alicia Felton came forward and stated there would be a maximum of 5 in the home. She also stated she had received an email from Ms Peele with a recommendation that she was to be approved. Ms Felton gained 45 signatures from residents who do not protest having a personal care home in the neighborhood or near them, this is just the first step, next would be with a state agency that would govern me under the Department of Health. Henrickson asked if any other would be living in home and Ms. Felton stated there would be herself, her mother and 3 others. She has a 5 bedroom home on one level. Mayor asked about limited parking at that location, what type of means do you have for family members. Ms Felton stated that she only had one vehicle and that her driveway can hold up to four. Also, usually when family members visit there is only one car, so she does not see any issues for parking as the individuals would be home bound and only using my vehicle. Henrickson stated he had a letter from the home owners association state they do not support this property being used as a personal care home. Ms. Felton stated after talking with attorney she does not see that she would be in violation of the home owners association guidelines.

Mayor opened floor for comments for or against this proposed conditional use permit. There being no one coming forward this will close this portion of the hearing and will convert back to the council.

Holland asked if we could knowingly approve this against the homeowners guidelines and asked Mr. Mecklin for his opinion on this matter.

Mecklin stated that there is a federal law stating you are not to turn down a personal care home just because it is a personal care home. Also, while cities generally support covenants, it is not the cities job or duty to enforce them. Holland asked if they were allowed to violate them. Mecklin stated there is nothing to keep you from doing so, you must make your decision based on zoning not on covenants. Best will they have to have a business license? Freedman stated we have never asked for a business license for personal care homes in the past. Any decision you make, regarding a business license will be set for those businesses from this day forward.

Mayor asked if this was advertised and a sign put in applicant yard, freeman said yes. Mayor, yet, no one has shown up tonight to speak against this item.

Mayor asked Mecklin if we were setting precedence and is this going to affect us in the future. Yes we are setting precedence if someone 3 houses down from Ms. Felton comes in and want to open a personal care home. Also if people did come up at public hearing against a personal care home that would make a difference. Tonight you have no one in attendance against.

Marchman made motion to approve with items corrected to bring into compliance/Holland seconded – 4/1- Henrickson – motion carried

**New Business:**

Presentation of Villa Rica Police Department Certification by Chief Lou Dekmar

Swear in DDA/MS members: Pat Large, Bill Taylor, Jorge Costas to DDA/Main Street Board was conducted by Mayor Collins. Bill Taylor was not present and will be sworn in at a later date.

Reappointment Approval to re-appoint Dana Wynn and Render Crook to the Villa Rica Development Board – Wood – Richard Littleton was added to be re-appointed to VRDB – Best made motion to approve re-appointments/Dean seconded – 5/0 – motion carried

Discussion on purchasing Marquee signs and possibly locations – Henrickson we need to do things in a more professional way and asked Jeff to make presentation on Marquee signs. Jeff presented a conceptual drawing for marquee signs and a map showing the 6 locations that covers all entrances coming into Villa Rica with exception of location on Highway 61. The design of the drawing handed out is specific to the Mill, the others would not be as ornate as this marquee, those would only be the brick with a city seal and firewatch board. Cost is right at \$26,000 each. Other cost is electricity to be run to marquee as well as the remote equipment to log in and put information on to the boards. Holland how big is the firewatch, Jeff the board is 2 ft by 10 ft. and is full color. Henrickson asked what the cost would be if we did not have the top portion. Jeff said to build marquee minus top would be \$1200-\$1400 if we built in house, this is cost for brick and block. Mayor would like to build this marquee minus the firewatch and place the banner in the location of where the firewatch would be located.

Dean if we build the full deal at the Mill and use the banners in the firewatch are for now until we can afford to install the firewatch. Holland, since this is the first time we have seen this I believe we need to have the opportunity to go around and look at the locations. Mayor asked Jeff to put together a proposal and bring back to the council at the December meeting with pricing.

Street name change from Hill Street to Eleanor Walk – Freeman stated the descendants of Eleanor Bailey requested the City to formally change the name of Hill Street to Eleanor Walk. Ms. Bailey spent her life on this street and walked it most of her life to church, meeting, head start, etc. Henrickson made motion to approve to change Hill Street to Eleanor Walk./Marchman seconded – 5/0 – motion approved. Mayor directed City Clerk and City Manager to get this street signage changed as quickly as possible.

ZM-01-11 – City of Villa Rica Zoning Map – Freeman stated the map was last updated Nov. 2, 2010 and this is basic housekeeping we do each year. Mayor asked about citizens located near Tanner who has problems with sound and lights, Freeman will look into that situation. Mayor presented the map and asked if anyone want to come look at the map and speak on the overland. There being no comments public comments now closed and reverts back to council. Holland made motion to approve/Dean seconded – 5/0 – motion carried

COMP Plan-01-11 – Revision of Historic Districts in the Villa Rica Comprehensive Plan 2026 – Freeman stated that in the summer of 2009 the University of West Georgia conducted a historic resources survey of downtown and the immediate outlying areas of Villa Rica surveying 600 building and taking 2,000 pictures of these properties. The request was heard by Planning Commission on October 20 and recommended approval. Holland confirmed he could vote on this with city attorney. Best asked why we are doing this and Freeman stated it is a part of the comprehensive plan and we must get approval from you before we can change any part of this plan.

Best made motion to approve/Henrickson seconded – 5/0 – motion carried

ORD-05-11. An ordinance for the purpose of transferring Article 5, Section 5. 28, Historic Preservation, to a proposed Article 12, Historic Preservation, in the Unified Development Codes, of the City of Villa Rica Code of Ordinances; to provide an effective date; and for other purposes – Freeman – Henrickson made motion to approve/Holland seconded with notation that 12.02 be removed – 5/0 – motion carried

#### **Consideration of Contracts:**

Intergovernmental Agreement between the Election Superintendent of Douglas County, the Election Superintendent of Carroll County and the City of Villa Rica - Wood this is a better contract that what we are currently operating on and should lower our cost. David has worked extensively on this and will be used for election next week. Holland made motion to authorize Mayor and City Manager to sign this document/Dean seconded – 5/0 – motion carried

Edwards-Pitman - Logical Termini Report change order to the current contract – Wood , we actually place original contract in packet and am handing out the change order for this contract, total cost \$6889.91. Holland stated that after checking with city attorney that he and mayor can vote on this item. Mayor asked council what if the east loop can be taken off, why spend this money. I had statement from GDOT that feels it can be split, but now the Federal Government wants this new report. Mecklin stated he understood the logical termini has to be conducted for federal purpose and is basically an environmental study and regarding of it being one or both we have to have this completed. The environmental impact is the most important part of this project and this study. Mayor if we are in not support to eliminate the eastern portions why spend the money. Mecklin stated that regardless this step is required for any part of the project to go forward. Henrickson made motion to approve/Holland seconded – 5/0 – motion carried

Award/Approve Contract Bid for North Wastewater Treatment Plant– Wood presented bids on the final two items on list for the plant improvements. We received 7 bids and not a wide variation and Fred Hawkins makes the recommendation to approved SOL Construction, LLC at \$929,000.00. Present two items (1) the improvements to plant; and (2) Management Services on North WWTP. We will work to, once again, save as much money on this project as possible. Holland asked if the value engineering would cost the city, Fred stated no there would not be a charge for this service. There fee for manager would be \$46,300. Holland asked City Manager how we would pay for this. Wood stated we would use the Douglas County SPLOST money form 1998, about \$300,000+ and pull the other \$600,000 from water/sewer reserve. We don't have an option, the state says we have to do it.

Approving these items will remove all consent orders. Holland made motion to approve both the RMA contract and SOL contract/Best seconded – 5/0- motion carried

Woodard & Curran-Water Plant – Wood stated we are still working out the fine details and would like to make this proposal to you for approval. Our current employees would become Woodard & Curran employees with a benefit package equivalent to ours and will have a 1-year contract of employment. Marchman asked what would happen after the one year contract was up, could they lose their jobs. Mayor answered that one the year was up they would be evaluated and yes you stay or no you don't. They will not have a pension plan but will have a 401 K plan. Wood asked that this contract go into effect January 1, 2012 rather than December 1, 2011 because of time frame to finalize certain items. Wood also stated we have the option to pay for improvements up front if we want to giving us a savings on the proposed figures over the next 6 years. Best stated if we do this we need to use the capital we have to work on the distribution line as well. Holland stated we do have an ongoing program at this time to replace these lines. Holland made motion to approve pending legal councils approval/Henrickson seconded – 4/1-Dean – motion carried

Planning Solutions, LLC contract to administer current TE Grant for Phase 1 of Sulfur Mine/Fullerville Trail – Wood – Went out for proposals and received three and the one we are presenting tonight was best cost at \$1800.00. We recommend you recommend you approved this contract. Dean made motion to approve/Holland seconded – 5/0 – motion carried

Planning Solutions, LLC-prepare and administer 2011 Georgia Recreational Trails Application for Sulfur Mine/Fullerville Trail/Phase 2 & required signage of Resolution for this potential grant- Wood- cost for these services would be \$800 to prepare the grant, and if we get this grant this individual would also want to administer the grant. We also have to sign a resolution saying we will match 20% of this grant. This can be in dollars or in-kind services. Dean made motion to approve/Holland seconded – 5/0 – motion carried

**City Update:** One project you have probably see is on Conners Road about 100 yards away from completion of the force main line and pump station and then Turano will be ready to hook up.

**Public Comment:**

Curtis M. Garner, Highway 101. My son was at Wal-Mart selling firewood and the police came and asked for his permit. He did not have one, police said he could charge him up to \$250.00 put if he would move off the site he would not. My question is what is the difference in selling firewood and selling a car in the parking lot. How can you require someone to pay for a permit to sell on private property like Wal Mart. Mecklin stated that the city and council have the authority to require that you purchase a permit and therefore it is the law for the city. The Mayor stated that staff and legal council will work on this to get a clear answer.

Richard Hurlbut, 2430 Shoreline Pkwy. I have emailed each of you regarding the loop and wanted you to see the face that goes with the name. I have never been associated with a business that has adopted a business plan and used that same plan 20 years later. I believe is mismanagement. I know you need to look at how you take traffic downtown and not run through high residential area. The circumstances on the east side of town are very different from 20 years ago. Those are the thoughts I wanted to share.

Cliff Dickerson, 2445 Ridgelake Drive. I agree with them, but I am on a totally different subject. What we are trying to do is take traffic off Highway 78 and that is a state highway and we have no right to take them off that highway, has anyone checked into that. They have the right to go thru downtown.

Mike Williamson, 3411 Dove Court. I was told that Douglas County did not give a lot of tax dollars. I believe I read it is going to be up to 4.33 in LOST sales up from 0.67 in 2002 so the growth is there and has certainly helped the bottom line. With this growth it would be obscured not to listen to us. The Mayor gave a simple answer a minute ago, a simple yes or no. We just want you to listen to us and we have begged you to but you still cannot give us a simple yes or no. One councilman stated, why don't those people out in Mirror Lake just de-annex. We were at de-annexed at one time so it can happen again and the fire is lit, please don't add fuel to it.

John Hannabach, 3106 Golfers way. By passing this new logical termini, you are putting this project back 5-6 months. These are two projects and the logical termini is at the ends and if the Feds say that because of this logical termini. Where these two points come together is not going to change anything and if the Feds say it does then there is something very, very wrong.

Bill Johnson, 9815 Reflections Drive. Interested in making comment on entire loop and something that has not come up in the past is the north loop, as designed, does not bridge across the railroad tracks. This is something that is badly needed for police, fire and truck traffic. By not having this it will make the truck want to use the east loop and not go on the north loop. There should be a grade separation on the north loop.

Clint Chance, 100 States Drive. I just wanted to mention regarding the sign situation and trying to sell sponsors that this is a very tricky and sensitive road to go down. Example if the Gold City Cruisers rent the Mill and their big sponsor is Dean Insurance and yet Holland Insurance is up on the board, then you could make Gold City Cruisers mad as well as their sponsor and they could then lose their sponsorship in the future. Just saying you need to be very careful when dealing with sponsorship as they are hard to come by and there are only so many out there that are willing to be a sponsor. Another thing on the signage how important it is since you determined to do away with right of way signage. I was at conference where participants were people like me and executives that work in marketing and advertising and the one thing we all agreed on at end of day was regardless of the signage it was the most important part of the marketing plan. It is the daily reminder of that event, program, registration or whatever it is.

Mayor recognized Alan Martinez who will be running for House District 68 seat being vacated by Tim Bearden and invited Alan to say a few words:

Alan: I want to thank the mayor for recognizing me and want you to know I am a 20 year resident of Villa Rica and my kids have grown up her, played sports at the Recreation Center. I am not a career politician and felt we just need someone who will take what we need to Atlanta and not what Atlanta want us to bring. I will see what is needed in our district and I am a north end guy.

(Note: council comments and public comments are not word for word but summarized. Complete word for word is available on our web site at [www.villarica.org](http://www.villarica.org) )

**Executive Session** –

Mayor requested an executive session to discuss pending legal matters. Holland made motion to go into executive session/Best seconded – 5/0 – motion carried – Mayor and council went into executive session at 8:30p.m. Mayor and council came out of executive session at 8:50pm. Marchman made motion to reconvene council meeting/Dean seconded 5/0 – motion carried

**Adjourn** – Dean made motion to adjourn at 8:51pm/Holland seconded – 5/0 – motion carried

---

J Allen Collins – Mayor

ATTEST:

---

Barbara Daniell - City Clerk