The Council of the City of Villa Rica met in a regular scheduled meeting on Tuesday, May 2, 2006 in the Council Chambers at 101 Main Street, Holt-Bishop Justice Center, Municipal Courtroom. Those present were Mayor Pro Tem Verland Best, Councilmembers Perry Amidon, Danny Carter, Joey Kelley and Woody Holland; City Manager Robert Zellner, City Clerk Jane Chastain and City Attorney David Mecklin. Mayor J Collins was late with notification. Approximately 48 people were in attendance.

Best called the meeting to order at 7:00 p.m. and announced that Collins would be late due to his step-son’s ball game. The invocation was given by Carter. All recited the pledge of allegiance.

Best introduced the new principal at Ithica Gin Elementary School, Michael Roberts.

Carter moved to accept the minutes from the April 4 and April 17, 2006 meetings as presented, seconded by Holland. Motion carried 5/0.

Zellner presented the May 2006 “Employee of the Month”, Building Inspector Jennifer Thorn. Thorn was recognized for accomplishments in the Building Inspections Department. She was present to accept the plaque and $50.00 check.

Best asked that Council consider amending the agenda to hear items 6 through 10 in the order of 10, 6, 8, 7 then 9. Holland moved to so amend the agenda, seconded by Kelley. Motion carried 5/0.

Taurus Freeman, Planning and Zoning Manager, presented ANNEX-05-06, a request to annex approximately 1.8 acres at 221 Whitworth Road. This is the first of five related annexation requests. Holland verified that this property was contiguous to the existing City limits. Best opened the floor for public comment. Glenn Couey, 107 Hamilton Circle, Bremen, speaking as agent for the property owners, Herbert and Sara Williams, addressed Council for consideration of this annexation. James Gilreath, 128 Legend Drive, was not against the annexation but expressed concern that he had been given misinformation at the Planning and Zoning Commission. After a brief discussion on the time for public hearings, Carter moved to accept the annexation, seconded by Amidon. Motion carried 5/0. Best pointed out that this annexation caused the other four annexation requests to be contiguous since the School Board property between this and the others is considered neutral. Mecklin suggested the other four annexation requests and related rezoning applications could be heard before Council made a final decision on the annexations since the applicant did not want to annex if the rezoning is denied.

Freeeman presented ANNEX-01-06, ANNEX-03-06, ANNEX-02-06 and ANNEX-04-06, requests to annex the following properties respectively: 37.5 acres at Whitworth Rd and Hwy 61, 2 acres at 2022 Hwy 61, 29 acres at 2011 Hwy 61 and 24 acres landlocked west of Hwy 61 and south of Ithica Gin Road. Kelley asked to have the rezoning [RA-06-06] heard at the same time. Couey addressed the Council again to explain the reason for the annexation and rezoning requests. His plan is to develop three of the four parcels into an entertainment and retail center which would house a bowling alley, skating rink, movie theater and a retail strip mall. The project is to be called Ithica Gin Township East and West. Couey said he has been approved for septic tanks by the County Environmental Health Department; however, he would prefer to be in the City of Villa Rica and use city sewer. Carter confirmed that the property had already been zoned Commercial by the County several years ago and this particular project has been in planning for some time. Council questioned Couey about proposed intersections and media cuts on Highway 61. Mecklin suggested Council hear and take action on the rezoning application before making
a decision on the annexations. Couey agreed that he would not want to proceed with the
annexation if he could not be rezoned to Commercial as he already is with the County.
Holland asked if Couey was going to build this project even if he is not annexed and
properly zoned in the City. Couey said yes. Council asked Freeman to present RA-06-06
which is a rezoning application for the 37.5 acres at Whitworth Rd and Hwy 61, the 2 acres
at 2022 Hwy 61, and the 29 acres at 2011 Hwy 61 to be rezoned from RD (Rural
Development) to GC (General Commercial). Freeman said the Planning and Zoning
Commission recommended approval with the following fourteen conditions:
1. Planning & Zoning Staff shall approve a site plan prior to the issuance of any permits.
2. Building Massing and Façade Treatment
   a. Variation in Massing. A single, large, dominant building mass shall be avoided.
   b. Building Façade Treatment
      (1) Minimum Wall Articulation. The building bay or structural building system shall
          be a maximum of thirty feet (30’) in width. Bays shall be bordered by
          architectural features such as columns, ribs or pilasters, piers, and fenestration
          pattern no less than twelve inches (12") in width. In order to add architectural
          interest and variety and avoid the effect of a single, long or massive wall, the
          following additional standards shall apply:
              (a) Any wall that faces a street that exceeds sixty (60) feet in length shall
                  include at least two (2) of the following within each successive sixty (60)
                  foot section or part there of:
                  (i) Change in wall plane, such as projections or recesses, having a depth
                      of at least three percent (3%) of the length of the façade and
                      extending at least twenty percent (20%) of the length of the façade;
                  (ii) Change in texture or masonry pattern;
                  (iii) Windows; or
                  (iv) Other design feature approved that the Community Development
                      Director determines to adequately provide architectural interest.
              (b) Side or rear walls that face walkways may include false windows, either
                  glazing or pattern, and defined by frames, sills, and lintels, or similarly
                  proportioned modulations of the wall, provided actual doors and windows
                  are not feasible because of the nature of the use of the building façade.
              (c) All sides of the building visible from public streets shall include materials
                  and design characteristics consistent with those on the front.
3. Building Materials
   a. All primary buildings shall be constructed or clad with materials that are durable,
      economically-maintained, and of a quality that will retain their appearance over
      time, including, but not limited to, natural or synthetic stone; brick; stucco;
      integrally-colored, textured, or glazed concrete masonry units; textured, pre-
      stressed concrete systems and tilt-up concrete panels approved by the Community
      Development Director; or glass.
   b. Natural wood or wood paneling shall not be used as a principal exterior wall
      material, but durable synthetic materials with the appearance of wood may be
      used. Exterior building materials shall not include the following:
         (1) Split shakes, rough-sawn or board and batten wood;
         (2) Vinyl siding, except on cornices and soffits;
         (3) Field-painted or pre-finished standard corrugated metal siding; or
         (4) Standard single- or double-tee concrete systems.
   c. Exterior building material shall extend from the cornice to within nine inches (9’’)
      of finished grade on any elevation.
d. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed.
e. Painted or stained concrete block is only allowed on sides and rear of buildings that do not face a public street.

4. Parking Lot Lighting
   a. Luminaire Fixture Height. The mounting height for Luminaire fixtures shall not exceed twenty-five (25) feet as measured to the top of the fixture from grade.
   b. Uniformity Ratios. Luminaire fixtures shall be arranged in order to provide uniform illumination throughout the parking lot.

5. All building along SR 61 shall have a minimum building setback of 100-feet from the SR 61 right-of-way.

6. All buildings shall setback 150-foot for lots abutting parcels within unincorporated Carroll County.

7. The developer shall submit a master sign plan for the entire development to be approved by the Community Development Department.

8. The developer shall install underground utilities.

9. The developer shall submit a traffic study from a professional Transportation firm, for possible road improvements, to the Community Development Department prior to the issuance of any permits.

10. The developer shall be responsible and/or share costs of traffic improvements, as recommended in the Traffic Study (Staff recommends doing a Transportation Analysis).

11. The developer shall install walking trails and sidewalks throughout the development.

12. There shall be a 50-foot undisturbed buffer along the banks of all ponds, streams, and/or creeks.

13. The developer shall develop covenants, and file them with the Carroll County Clerk’s Office for the entire development.

14. There shall be a 100-foot undisturbed buffer along the southern and eastern property lines of the developments, and a fence shall be erected at the end of the buffer for the development east of SR 61 along the southern and eastern property lines.

Mecklin asked if these conditions were consistent with what the County had required for this project. Freeman said these conditions were more stringent than what the County required. Freeman told Council that the County has set a 300-foot commercial corridor all along Hwy 61. Best opened the floor for public comment. Glenn Couey told the Council that he has agreed to all of the buffer requirements. He also noted that his conceptual site plan indicates a 20’ buffer on the south west property line which he agreed should be 25 feet with a planted Leyland Cypress boarder. James Gilreath, 128 Legend Drive, asked Council to make sure his pond in Legend Park subdivision and the stream feeding it is not damaged or destroyed by construction. Freeman said the State requires a 25’ buffer around streams and waterways but the Villa Rica Planning and Zoning Commission has set a condition of 50’ around all banks. James Williams, 155 Legend Park, said he is not necessarily opposed to this, but does not want loud tractor-trailers waking up the Legend Park residents all night. Lisa Hewitt, 239 Hendrix Road which adjoins Couey’s property on the lower part of the eastern-most boundary, said Couey has promised her a privacy fence and a buffer and she wants Council to make sure that promise is honored. Jimmy Bone, 50 Whitworth Road, wanted Council to uphold the condition of a 25’ planted buffer on the southern side of the western half of the property as had been stipulated by Carroll County. Also, Bone wanted to express his position that Couey does not own a portion of property shown on Couey’s conceptual plan as belonging to Couey. Bone said the triangular sliver
of property north of Whitworth Road belongs to the family of his wife Ann Bone and has been in her family for a long time. Bone objects to any annexation or rezoning of that property. He asked that Couey resubmit the plat showing the corrections. Council and Mecklin questioned Couey about the property north of Whitworth Road. Couey said he is not concerned with that property and is willing to strike it from anything being considered at this time. Couey said the 20’ typo is supposed to be 25’ and he is going to put a planted Leyland Cypress buffer as well as a fence. After further discussion, Holland moved to approve the rezoning [RA-06-06] as presented with the following exceptions: item 14 of the staff report is to be changed to reflect the correction as read, the buffer for the western side of the properties being annexed should be changed from 20 feet to 25 feet of planted buffer, and no property north of Whitworth Road is included in this rezoning or annexation, seconded by Kelley. Freeman asked for a correction to the motion to read “undisturbed buffer” rather than planted buffer. Holland so amended and Kelley reaffirmed his second. Motion carried 5/0. Best asked for Council’s action on the annexations. Holland moved to annex ANNEX-01-06, -02-06 and -03-06 as presented with the exclusion of any property north of Whitworth Road, seconded by Kelley. Motion carried 5/0. Carter moved to annex ANNEX-04-06 into the City, seconded by Amidon. Motion carried 5/0.

Best turned the meeting over to Collins at 8:15 p.m.

Freeman presented RA-04-06, a request to rezone approximately 5 acres which would combine five parcels at 111, 125, and 145 Edge Road, 35 South Wilson Street and a parcel on the southwest corner of Edge Road and South Wilson Street. Freeman said the applicant, Messer Properties, LLC, was requesting to rezone the properties from RD to OI (Office-Institutional) to construct professional offices. The Planning Commission recommended approval with the following ten conditions:

1. Planning & Zoning Staff shall approve a site plan prior to the issuance of any permits.
2. The developer shall submit a Master Sign Plan to be approved by Community Development Staff.
3. All structures combined shall not total more than 40,000 square feet.
4. Building Massing and Façade Treatment
   a. Variation in Massing. A single, large, dominant building mass shall be avoided.
   b. Building Façade Treatment
      (1) Minimum Wall Articulation. The building bay or structural building system shall be a maximum of thirty feet (30’) in width. Bays shall be bordered by architectural features such as columns, ribs or pilasters, piers, and fenestration pattern no less than twelve inches (12”) in width. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall, the following additional standards shall apply:
         (a) Any wall that faces a street that exceeds sixty (60) feet in length shall include at least two (2) of the following within each successive sixty (60) foot section or part there of:
            (i) Change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade;
            (ii) Change in texture or masonry pattern;
            (iii) Windows; or
            (iv) Other design feature approved that the Community Development Director determines to adequately provide architectural interest.
         (b) Side or rear walls that face walkways may include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly
proportioned modulations of the wall, provided actual doors and windows are not feasible because of the nature of the use of the building façade.

(c) All sides of the building visible from public streets shall include materials and design characteristics consistent with those on the front.

5. Building Materials
   a. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; textured, pre-stressed concrete systems approved by the Community Development Director; or glass.
   b. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Exterior building materials shall not include the following:
      (1) Split shakes, rough-sawn or board and batten wood;
      (2) Vinyl siding, except on cornices and soffits;
      (3) Field-painted or pre-finished standard corrugated metal siding; or
      (4) Standard single- or double-tee concrete systems.
   c. Exterior building material shall extend from the cornice to within nine inches (9”) of finished grade on any elevation.
   d. In selecting exterior building materials, consideration should be given to the appropriateness of the materials to the scale of building proposed.
   e. Painted or stained concrete block is only allowed on sides and rear of buildings that do not face a public street.

6. Parking Lot Lighting
   a. Luminaire Fixture Height. The mounting height for Luminaire fixtures shall not exceed twenty-five (25) feet as measured to the top of the fixture from grade.
   b. Uniformity Ratios. Luminaire fixtures shall be arranged in order to provide uniform illumination throughout the parking lot.

7. The developer shall install a fence and a 25-foot buffer consisting of vegetation, where devoid of adequate screening the developer shall install screening trees.

8. The developer shall install “dry lines” for sewer, and connect with the lines, within 90 days, once sewer becomes available.

9. The developer shall install underground utilities.

10. There shall be no access onto South Wilson Street.

Jim Messer, 4850 Liberty Road, addressed Council on this application proposing to build a single story, all-sides brick structure. He will initially be installing septic tanks but agreed to stub-out for sewer when it becomes available in that area. Messer said the project will have no warehouses whatsoever. It will be office and institutional only, per the City guidelines. Kelley asked about loading docks. Messer said there will be none. Garage type doors would be on the back of the units. Collins opened the floor for public comment. Janet Heilman, 44 Maple Valley Drive, a Planning and Zoning Commissioner, asked about the documentation describing warehouses as part of this development. She said that is in violation of the Zoning Ordinance and the Future Land Use Map. She would like to see it remain residential. Richard Cangemi, 423 Edge Road, recently built a home on the south side of Edge Road and was under the impression that the south side of Edge Road was supposed to stay residential with commercial zoning only allowed on the north side. He was opposed to the rezoning. Robert Frances, 125 South Wilson Street, said his property adjoins this property and he is not opposed. There being no further comments, the floor was closed. After some Council discussions, Carter moved to approve the rezoning with
the ten stated stipulations, with brick and stone all sides and absolutely no warehouse intentions whatsoever, seconded by Kelley. Motion carried 5/0. Holland asked to have an item placed on next month’s agenda for discussion of land use on Edge Road.

Freeman presented RA-05-06, a request to rezone approximately 3 acres at 102 Thomas Dorsey Drive and 419 Montgomery Street from R-20 (Residential) to GC (General Commercial). The applicant, Stuart Burnett, DVM, is proposing to construct a professional office to be used as his veterinary clinic. The Planning and Zoning Commission recommended approval with the following ten conditions:

1. The development shall be for professional offices or a veterinarian clinic only.
2. Planning & Zoning Staff shall approve a site plan prior to the issuance of any permits.
3. There shall be no awning, banner, illuminated, mobile, or roof signs.
4. Signage shall be monument based, with a maximum height of five-feet (5’) and 16 square feet of signable area.
5. Building Massing and Façade Treatment
   a. Variation in Massing. A single, large, dominant building mass shall be avoided.
   b. Building Façade Treatment
      (1) Minimum Wall Articulation. The building bay or structural building system shall be a maximum of thirty feet (30’) in width. Bays shall be bordered by architectural features such as columns, ribs or pilasters, piers, and fenestration pattern no less than twelve inches (12") in width. In order to add architectural interest and variety and avoid the effect of a single, long or massive wall, the following additional standards shall apply:
         (a) Any wall that faces a street that exceeds sixty (60) feet in length shall include at least two (2) of the following within each successive sixty (60) foot section or part thereof:
            (i) Change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade;
            (ii) Change in texture or masonry pattern;
            (iii) Windows; or
            (iv) Other design feature approved by the Community Development Director determines to adequately provide architectural interest.
         (b) Side or rear walls that face walkways may include false windows, either glazed or pattern, and defined by frames, sills, and lintels, or similarly proportioned modulations of the wall, provided actual doors and windows are not feasible because of the nature of the use of the building façade.
         (c) All sides of the building visible from public streets shall include materials and design characteristics consistent with those on the front.
6. Building Materials
   a. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; textured, pre-stressed concrete systems and tilt-up concrete panels approved by the Community Development Director; or glass.
   b. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Exterior building materials shall not include the following:
      (1) Split shakes, rough-sawn or board and batten wood;
      (2) Vinyl siding, except on cornices and soffits;
(3) Field-painted or pre-finished standard corrugated metal siding; or
(4) Standard single- or double-tee concrete systems.

c. Exterior building material shall extend from the cornice to within nine inches (9") of
finished grade on any elevation.

d. In selecting exterior building materials, consideration should be given to the
appropriateness of the materials to the scale of building proposed.

e. Painted or stained concrete block is only allowed on sides and rear of buildings
that do not face a public street.

7. Parking Lot Lighting

a. Luminaire Fixture Height. The mounting height for Luminaire fixtures shall not
exceed twenty-five (25) feet as measured to the top of the fixture from grade.

b. Uniformity Ratios. Luminaire fixtures shall be arranged in order to provide uniform
illumination throughout the parking lot.

8. The developer shall install sidewalks along the northern portion of the property.

9. Parking shall be located on the side of the building.

10. The developer shall install underground utilities.

Carter pointed out that this location is not located in Ward I as listed in the staff report but
is actually located in Ward IV. Stuart Burnett addressed the council on his intentions.
Collins opened the floor for public comments. There being none, the floor was closed.
Carter moved to accept as presented, seconded by Best. Motion carried 5/0.

Collins presented the line item veto of FY06-07 Budget. Carter introduced a chart showing
the current duties of the vetoed position, city-wide: Training Manager, Safety Manager,
Workman’s Comp Investigator, Drug Testing Coordinator and I.T. Manager; and the single
proposed duty of that same employee, police department Training Manager, if the veto
stands. Carter said the City would not save money by abolishing the position at City Hall
and moving the employee to the police department. Kelley argued that the three open
positions at the police department were already in the budget and if the current position
was removed from the Administration budget it would not be refilled. Carter suggested
that one of the openings at the police department should be removed instead so as to
maintain the multiple functions of the current position. After further discussion, Carter
moved to override the veto, seconded by Best. Motion to override failed to obtain a four
vote supermajority with a vote of 3/2, Holland and Kelley voting against.

Zellner and Eric Lacefield, Community Development Director, presented an update on the
Storm Water Management Ordinances tabled from April. Zellner reported the results of a
meeting with EPD. Lacefield explained the letter which had been sent to the EPD
requesting to be placed on their upcoming agenda. EPD recommends, in the meantime,
that the City proceed with a required checklist in good faith.

Best presented an update for the Use of City-Owned Vehicles policy. The revision
eliminates all take-home vehicles except with written permission by the City Manager.
Council discussed the definition of the wording “clean driving record”. Best moved to
adopt the revised policy, seconded by Holland. Motion carried 5/0.

Collins presented a smoking ordinance for discussion. Council agreed that they want no
smoking in doorways of public buildings. There was discussion on smoking in city-owned
vehicles but no agreement. Kelley proposed to let the City Manager handle this and to
create an area away from the doors for smokers. Best proposed Council let the City
Manager makes some decisions and bring back to council an ordinance or policy to that
affect.
Zellner presented ORD-06-05-ADM, an ordinance for Solid Waste Removal. Carter questioned the prohibition of construction debris pick-up. He suggested that a homeowner who has done minor construction, like replacing a piece of sheetrock in his home, should not be prohibited from having the City pick up this solid waste. Best said construction debris is mostly created by commercial contractors, not private individuals. After further discussion, Holland moved to approve the ordinance as presented, seconded by Carter. Motion carried 5/0.

Lacefield presented ORD-06-07-ADM, an ordinance to increase water and sewer tap fees to supplement capital improvements in the utilities infrastructure. After a brief discussion, Holland moved to adopt the ordinance, seconded by Best. Collins asked for discussion then commented on the comparison to other municipalities. Council asked Lacefield to explain how the new rates were calculated. Lacefield said it is based on the capital improvement needs as set forth in the Comprehensive Plan. After further discussion, Collins called for a vote. Motion carried 5/0.

Zellner presented ORD-06-08-ADM, an ordinance to incorporate a code for the sale and the leasing of city property. Holland pointed out that the word “buyer” in Section 2-119(a) should be clarified. Mecklin said that “buyer” should be “City Manager”. After a brief discussion, Carter moved to adopt the ordinance with the aforementioned change, seconded by Holland. Motion carried 5/0.

City Accountant Larry Wood presented a proposal for a sewer rate increase. Wood recommended Council consider increasing the sewer rate from the current $3.00 per 1000 gallons of water to $3.30 per 1000 gallons. Then increase that rate by 5% per year until it reaches $4.00 per 1000. This would fund the operating costs. Council asked to see an ordinance to that affect at the next meeting.

Zellner presented quotes for. Motion carried 5/0.

Zellner presented an intergovernmental agreement drawn up by Mecklin’s office to be entered into by the City and by Carroll County and Douglas County Boards of Voter Registrars. With this agreement, Douglas County will provide polling places for all elections, including municipal elections, for all Villa Rica citizens who live in Douglas County. Carroll County will continue conducting elections for Carroll County Villa Ricans without having to establish a satellite polling place in Douglas County. Holland moved to authorize Zellner and Collins to enter into the intergovernmental agreement to handle City elections, seconded by Carter. Motion carried 5/0.

Zellner presented a potential list of Capital Improvements Projects for the next ten years for Council discussion and contemplation. Council discussed the projects but took no official action at this time.

Zellner presented the annual renewal for the GIRMA Liability Insurance. The annual premium increased more than had budgeted. Zellner presented two options for increasing deductibles, thereby lowering premiums. Council discussed the benefits and drawbacks for each option. Holland moved to authorize Option A, which increases General Liability deductions from $5,000 per occurrence to $10,000; and Property deductions from $1,000 per occurrence to $5,000. Seconded by Carter. Motion carried 5/0.

Zellner presented six items for Payments over $5,000: (1) Hanson Pipe: $7714.99 for materials to replace stormwater pipe on Industrial West damaged by storm [State will refund $6,165]. Carter moved to pay this item, seconded by Holland. Motion carried 5/0. (2) Dean Grading: $8700 for labor for stormwater pipe replacement on Industrial West.
Holland moved to pay this item, seconded by Carter. Motion carried 5/0. (3) Zambelli Fireworks International: $8,000 for Fourth of July fireworks. Danny moved to pay this item, seconded by Amidon. Motion carried 5/0. (4) LaFarge Building Materials: [not to exceed] $24,000 for concrete for various projects at the Civic Center. Holland moved to pay this item, seconded by Kelley. Motion carried 5/0. (5) VeriSign/Pay-Pal: $6300 for on-line bill/fee/fine paying through a connection on the Website which will be recovered by a $1.50 per transaction. Carter moved to pay this item, seconded by Holland. Motion carried 5/0. (6) Don-Rich Ford: $21,397 for a truck for the Vehicle & Building Maintenance Department. Holland moved to pay this item, seconded by Carter. Motion carried 5/0. All were the low bidders except for Don-Rich which was the fourth lowest of six bidders.

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

With no further business, Best moved to adjourn, seconded by Amidon. Motion carried 5/0. Council adjourned at 10:25 p.m.

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Verland Best - Mayor Pro Tem

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J Allen Collins - Mayor

ATTEST:

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Robert Zellner – City Manager