

CITY OF MOUNTAIN PARK

Regular Meeting of Mayor and City Council

August 17, 2009

7:30 PM

Community Building at 100 Lakeshore Drive

CALL TO ORDER-Mayor Jim Still called the meeting to order at 7:40 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Jim Still, Council Members John McLaughlin, Julia Neal, Bill Pulling, , Bob Douds, and Marvin Penick, City Attorney, Brandon Bowen, and City Clerk, Karen Segars.

Not present: Council Members Frank Baia and Bill Schmidt.

DISPOSITION OF ABSENCES-None

FINANCIAL REPORT

Ms. Segars presented the following:

Ending Bank Balances as of 7/31:

General Fund \$ 85,610.54

Enterprise Fund \$612,262.42

Court \$ 5,363.46

Lake Restoration \$201,997.68

SPLOST \$ 33,638.47

TOTAL \$938,872.57

Performance for the month of July:

Revenues General Fund: \$ 17,092.63

Expenses General Fund: \$ 38,199.86

Net Deficit Income: \$ -21,107.23

Revenues Enterprise Fund: \$ 22,705.00

Expenses Enterprise Fund: \$ 20,299.09

Net Ordinary Income: \$ 2,405.91

APPROVAL OF MINUTES

Motion by McLaughlin to waive the reading of the Regular Council Meeting of July 20, 2009.  
2nd by Pulling. Approved 5-0-0.

Motion by McLaughlin to adopt the minutes from July 20, 2009. 2nd by Pulling. Approved 5-0-0.

Motion by McLaughlin to waive the reading of the Special Called August 4, 2009 meeting. 2nd by Pulling. Approved 5-0-0.

Motion by McLaughlin to adopt the minutes from August 4, 2009. 2nd by Neal. Approved 5-0-0.

Motion by McLaughlin to waive the reading of the Special Called August 12, 2009. 2nd by Douds. Approved 5-0-0.

Motion by McLaughlin to adopt the minutes from August 12, 2009. 2nd by Douds. Approved 5-0-0.

#### ADOPT MEETING AGENDA

Douds requested the 2010 LARP list be removed from discussion but authorization to purchase streets signs be added.

Neal requested the addition of discussion of Bank of North Georgia accounts and funding the operating capital in the General Fund.

McLaughlin requested discussion of waiver of building rental fee for October 3 be added.

McLaughlin moved to approve the agenda as amended. 2nd by Penick. Approved 5-0-0.

#### MAYOR'S REPORT

Still announced the qualifying period for the November 3 election would begin August 31 and end September 4 from 9:00 a.m. until 4:30 p.m., with one hour for lunch break.

1. Ordinance #298-09 Changing Council Meetings to 4th Monday, Second Reader  
Motion to waive the second reading of the ordinance by McLaughlin. 2nd by Penick.  
Approved 5-0-0.

Motion by McLaughlin to adopt Ordinance #298-09. 2nd by Penick. Approved 5-0-0.

2. Expenditure of \$240.70 for CDBG RFQ Advertisement  
Still stated previously \$500 had been authorized however the advertisement bill was for 740.70. McLaughlin moved to authorize the additional \$240.70. 2nd by Neal. Approved 4-1(Pulling)-0.

#### COMMITTEE REPORTS

Administration/Legal/Finance

1. Ordinance #299-09 Adopting Ethics Code, Second Reader

Neal moved to waive the reading of the ordinance. 2nd by Pulling. It was noted the effective date needed to be determined. Approved 5-0-0.

Neal moved to adopt Ordinance #299-09 with the effective date being August 18, 2009. 2nd by Penick. Approved 5-0-0.

2. Authorization to Contract with Cherokee County, Resolution and Ordinance #302-09 Calling for Election, Second Reader

Neal moved to waive the reading of the ordinance. 2nd by McLaughlin. Approved 5-0-0.

Neal moved to adopt Resolution and Ordinance #302-09. 2nd by McLaughlin. Approved 5-0-0.

3. 2009 Temporary Tax Collection Petition

Bowen stated city intervention was necessary in 2008 as Fulton County had not included the cities in its petition, however this year the cities were represented in this petition. He noted the hearing had been set for August 24 before Judge Goger. Neal stated this may impact when tax collections were received.

4. Bank of North Georgia Collateral

Neal stated a letter had been received from Bank of North Georgia requesting release of collateral. She noted the bank had pledges of \$667,000 against deposits of \$949,000. Neal explained her understanding of state law was that all deposits were insured up to \$250,000, and then pledges of 110% of deposits were required for public funds. She also noted the Temporary Liquidity Guarantee Program which would guarantee 100% of deposits if the accounts were non-interest bearing or earned interest of no more than 5% and provided the bank chose to participate. Neal advised that when the original agreement was entered into and approved between the bank and the city that the city was earning more than 5%. She explained a conversation with a bank representative revealed that an internal bank decision had been made in January to lower the city's interest, however no revised deposit agreement had been executed by the city. Neal expressed two points of concern: 1) no current deposit agreement and 2) inadequately collateralized deposits. She pointed out Bank of North Georgia had a D- rating, with a weak liquidity rating and yet weaker asset quality rating. Neal also noted that bank participation was voluntary and could be withdrawn at any time, with no notice to the customer. Neal recommended keeping just under \$250,000 with Bank of North Georgia and spreading the remainder of deposits among several banks. Neal moved to authorize city hall to immediately set up as many bank accounts are necessary below \$240,000 for operating expenses and any additional inquiries to be taken by city hall to adequately confirm all funds are insured by Friday of this week. 2nd by McLaughlin. Approved 5-0-0.

5. Funding Operating Capital in General Fund

Neal stated an alert came from city hall that the general fund was at \$60,000 and since tax revenues would be likely delayed that a budget transfer would be necessary. Neal moved to authorize city hall up to \$100,000 inter-fund transfer from the enterprise fund to the general

fund. 2nd by McLaughlin. Approved 5-0-0.

## BZP

1. Ordinance #301-09 to Amend Post Development Stormwater Regulations, Second Reader Motion by Pulling to waive the reading of the ordinance. 2nd by McLaughlin. Approved 5-0-0.

Pulling moved to adopt Ordinance #301-09 to satisfy mandatory state requirements. 2nd by McLaughlin. Approved 5-0-0.

## Lakes/Parks/Recreation

2. Building Rental Waiver for Upper Coosa River Keepers  
McLaughlin moved to waive the rental fee for a seminar "Get out the Dirt" being held October 3 by the Upper Coosa River Keepers. 2nd by Penick. Approved 4-0-1(Neal).

### 1. Lake Litigation Update

McLaughlin advised he had previously committed to a lengthier update however his computer had failed. He recalled 108 pleadings had been filed this year with 90% in the first four months of the year. He further stated the city had been invoiced to date for \$1.7 million, had paid \$1.1 million, with \$627,000 outstanding. He noted of the \$1.1 million paid, \$1,020,000 was attorney fees and \$100,000 was for expert witnesses.

## Property

### 1. Work done without permit

Penick stated he had reported unpermitted work at 141 West Lake however no action had been taken. He reviewed the Code Compliance guidelines and suggested it was lacking in the area of moving complaints forward in the absence of a code compliance officer. Pulling pointed out the property owner still needed a permit and the city could still issue a stop work order even though the work was complete. Neal noted concern that the guidelines had never been adopted by council and suggested committee make necessary corrections prior to submittal to council. Bowen stated the city clerk should notify the property owner by letter to complete building permit application as the remedy.

### 2. ISO information

Penick stated the fire department was to furnish pertinent portions of the survey to city hall for compilation by the fire department for submittal to ISO. He requested the city clerk to write a letter to ISO requesting procedures booklet and a letter to the fire department for the survey.

Penick authorized the maintenance may to replace the batteries in the smoke detectors from discretionary funds.

## Public Safety

1. Georgia Mutual Aid Group

Discussion was heard regarding the time sensitivity of the matter. Neal moved for the resolution to go back to committee. 2nd by Penick. Approved 5-0-0.

Roads & Streets

2. Authorization to Purchase Street Signs

Douds moved to authorize up to \$200 for the replacement of street signs at Robin & Russell and Magnolia & Lakeshore, with the line item identification coming forward in 60 days. 2nd by Penick. Approved 5-0-0.

1. Miscellaneous road repairs

Douds explained emergency road repairs, using concrete, were needed on Oak in the amount not to exceed \$3,200 and Juniper and Plum not to exceed a total for the two of \$1,100 and moved to approve same with SPLOST as the source of funding. He advised the repairs should hold the roads for 2-5 years. 2nd by McLaughlin. Still noted the hydrants on Cardinal Cove and the need to earmark money for that purpose. Approved 5-0-0.

Utilities

1. Appeals

Neal moved to reduce to tier three for overages over 8500 for the months of June and July for Account 100536 due to pipe break. 2nd McLaughlin. Approved 5-0-0.

Neal moved to reduce sewer to average and reduce overage to tier three for Account 100417 due to pipe break. 2nd by McLaughlin. Approved 5-0-0.

Neal moved to waive the late fees for Accounts 100549, 100688, 100382, 100555, 100606, 100103, 100277, 100694, and 100293 due to bank error on Wachovia's side. 2nd by Penick. Approved 5-0-0.

McLaughlin moved to reduce irrigation fees to tier one one time to bring account up to date for Account 100667 due to administrative error because the city didn't read the permanent irrigations meter during the drought restrictions. 2nd by Penick. Motion failed 3-0-2(Neal & Pulling).

2. CDBG Waterline

Neal moved to preauthorize up to \$47,000 which is remaining amount of the waterline project conditional on receipt of contract or written authorization from Fulton County to pre-spend so that bids can be advertised and the mapping and valve location program can commence as soon as ready. 2nd by McLaughlin. Approved 5-0-0.

3. Utility Deposits

Neal moved to raise the deposit amount for new accounts to \$200 from the current \$110 and

to require reconnects to bring deposits up to the new rate as a condition of restoring service, in an effort to protect the city from monetary losses due to skips and non payment of account balances in excess of the current deposit level. 2nd by McLaughlin. Pulling recommended committee looking at doubling the deposit for reconnects. Still recommended allowing the first two months to pay deposit. Approved 5-0-0.

Penick stated he had requested city hall to compile an information packet regarding the various rules of the city to be given to new utility customers.

#### EXECUTIVE SESSION

Penick moved to go into executive session to discuss personnel. 2nd by McLaughlin. Approved 5-0-0.

#### REGULAR SESSION

Penick moved to reconvene regular session. 2nd by McLaughlin. Approved 5-0-0.

Pulling moved to offer employment to Craig Carpenter at the rate of \$21 per hour and second to Leo Brown at the rate of \$18. 2nd by Neal. Approved 4-1(McLaughlin)-0.

Neal moved to authorize a temporary employee as needed up to \$12 per hour, up to 20 hours per week, until such time as a new administrative assistant is hired. 2nd by McLaughlin. Approved 5-0-0.

#### ADJOURN

There being no further business, Penick moved to adjourn. 2nd by McLaughlin. Approved 5-0-0. 10:02 p.m.

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Jim Still, Jr., Mayor

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Karen Segars, City Clerk