

CITY OF MOUNTAIN PARK

Regular Meeting of Mayor and City Council

January 27, 2009

7:30 PM

Community Building at 100 Lakeshore Drive

CALL TO ORDER-Mayor Jim Still called the meeting to order at 7:43 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Not Present: Council Members Julia Neal and Bill Pulling.

DISPOSITION OF ABSENCES-None

FINANCIAL REPORT

Karen Segars presented the following:

Ending Bank Balances as of 12/31:

General Fund \$216,234.27

Enterprise Fund \$446,353.06

Court \$ 6,855.47

Lake Restoration \$101,808.13

SPLOST \$ 37,274.03

TOTAL \$808,524.96

Performance for the month of December:

Revenues General Fund: \$ 15,546.96

Expenses General Fund: \$ 70,969.60

Deficit Net Income: \$ -50,484.52

Equity Transfer In: \$491,289.00

Total Net Income: \$435,866.36

Revenues Enterprise Fund: \$ 20,356.60

Expenses Enterprise Fund: \$ 17,561.71

Net Other Income: \$ 2,794.89

Equity Transfer Out: \$491,289.00

Deficit Net Income: \$-488,494.11

## APPROVAL OF MINUTES

Motion by Bill Schmidt to waive the reading of the Work Session December 11, 2008 minutes. 2nd by John McLaughlin. Approved 5-0-0.

Motion by Bill Schmidt to adopt the minutes from December 10, 2008. 2nd by John McLaughlin. Approved 5-0-0.

Motion by Bill Schmidt to waive the reading of the Regular Council Meeting of December 15, 2008. 2nd by John McLaughlin. Approved 5-0-0.

Motion by Bill Schmidt to adopt the minutes from December 15, 2008. 2nd by John McLaughlin. Approved 5-0-0.

## ADOPT MEETING AGENDA

Motion by Bill Schmidt to adopt the agenda as presented. 2nd by John McLaughlin. Unanimously approved.

## MAYOR'S REPORT

Mayor Still noted his attendance at GMA's Mayor's Day on January 25.

Mayor Still stated the accountant, Lourdes Hildoer, had volunteered a couple of hours of her time to work with council on how to administer a budget.

### 1. Discussion of Resolution Supporting Opposition to HR 1 (State-Wide Property Tax Assessment Caps)

Mayor Still asked for consensus, if any, in support of the resolution adopted by Alpharetta opposing the state-wide property tax assessment cap on real estate, which would adversely affect tax collections for municipalities. Motion by Bill Schmidt to show solidarity with Alpharetta in support of their resolution. Seconded by Marvin Penick. Frank Baia expressed concern in doing so without thorough review of supporting information. Approved 4-0-1 (Frank Baia).

### 2. Discussion of AT&T Request

Bill Schmidt stated this request was for placement of a box at the top of the hill and that AT&T would follow silt fence procedures for any ground disturbance. He noted this would allow an alternative to Charter services. No vote needed.

## COMMITTEE REPORTS:

### Administrative /Legal/Finance

#### 1. Update of Ethics Code Review

Bob Douds stated committee was not yet through with this process and moved to extend the

moratorium for another 120 days. 2nd by John McLaughlin. Jim Still noted the city must re-certify with GMA every 5 years. Motion carried 5-0-0.

2. Adoption of Resolution #R052-09 for Amended General Fund & Resolution #R053-09 for 2008 Amended Enterprise Fund Budget and Resolution #R054-09 for 2009 General Fund Budget & Resolution #R055-09 for 2009 Enterprise Fund Budget

Bob Douds moved to approve the 2008 amended general fund budget resolution. 2nd by Bill Schmidt. Frank Baia noted the \$596,000 transfer from the enterprise fund, as well as actual lake litigation expenses of \$717,000. Motion carried 4-1(Frank Baia)-0.

Bob Douds moved to approve the 2008 amended enterprise fund budget. 2nd by Bill Schmidt. Again Frank Baia noted the \$596,000 transfer from the enterprise fund. Motion carried 4-1(Frank Baia)-0.

Bob Douds moved to approve the 2009 general fund budget. 2nd by Bill Schmidt. Frank Baia noted the \$430,000 lake litigation expense. Motion carried 4-1(Frank Baia)-0.

Bob Douds moved to approve the 2009 enterprise fund budget. 2nd by Bill Schmidt. Again, Frank Baia noted the \$430,000 lakes litigation expense. Motion carried 4-1(Frank Baia)-0.

BZP

1. Consideration of Building Inspection Contract with Southern Construction Consulting Services, Inc.

John McLaughlin stated Burgess had closed its Atlanta office and this contract was with the same inspector, but with a price increase to \$100 which would result in the city increase to \$115 per inspection. He moved to authorize the mayor to sign the contract. 2nd by Marvin Penick. Upon inquiry by Frank Baia regarding the need to re-bid the service, Brandon Bowen stated it was not necessary because of the existing relationship. Passed 5-0-0.

Lakes/Parks/Recreation

1. Ordinance amending code provisions regarding regulation of use of lakes, Second Read, #297-08

Brandon Bowen reviewed the ordinance. John McLaughlin moved to approve the ordinance. 2nd by Marvin Penick. Cheryl Davis questioned allowing non-residents the right to use the lakes. Bill Schmidt explained the fees associated with permits would help pay for the Code Compliance officer to patrol the lake areas. Motion carried 4-1(Frank Baia)-0.

2. Lakes litigation update

John McLaughlin stated the outcome of the Daubert hearings was the dis-allowment of the matrix which was an attempt to assign degrees of culpability to each defendant, however would allow the Roswell violations and cost of restoration. He noted the suit covered silt in both lakes. Brandon Bowen noted that while the matrix was a summary the evidence still existed and that an objection had been filed to the ruling. It was also noted both sides had filed for summary judgment. Stuart Colman expressed his right to know what was going on. Cheryl

Davis asked how much had been spent on litigation versus the cost of repair and the possibility of recovery fees. John McLaughlin stated \$1.2 million had been spent versus \$1.8-2.4 million to repair. Brandon Bowen stated the city had the right to recover fees under the Clean Water Act.

## Property

### 1. Money for Bids for Civic Building

Marvin Penick moved to authorize an expense of up to \$400 for advertisement of these bids. 2nd by Bill Schmidt. Frank Baia asked where the money was coming from and expressed concern with spending the money to advertise without a commitment for CDBG approval. Discussion ensued regarding discussions held with Fulton County about confirmation of the approval. Marvin Penick stated a point of order. Motion carried 4-1(Frank Baia)-0.

### 2. Dates Civic Building will be closed

Marvin Penick stated the building would be closed June, July, August, and part of September, however the kitchen and rest rooms would be available. He noted the green could continue to be used.

## Utilities

### 1. Appeals

Motion by Bill Schmidt to adjust account 100603 to tier 1 rate due to a broken pipe and to allow payment of arrears over a 6 month period. 2nd by Marvin Penick. Approved 5-0-0.

Motion by Bill Schmidt to adjust account 100104 to tier 1 rate due to a pipe break. 2nd by John McLaughlin. Approved 5-0-0.

### 2. Water & Sewer Rate Increase

Motion by Bill Schmidt to approve Resolution #R056-09 to adjust the water and sewer rates as follows:

| Water-# gallons used per month | Rate                  |
|--------------------------------|-----------------------|
| 0-2500                         | \$11.80               |
| 2500-4500                      | \$21.50               |
| 4500-8500                      | \$8.95 per 1,000 gal  |
| Greater than 8500              | \$15.95 per 1,000 gal |

| Sewer-# gallons used per month | Rate                  |
|--------------------------------|-----------------------|
| 0-4000                         | \$27.75               |
| Greater than 4,000             | \$12.25 per 1,000 gal |

2nd by John McLaughlin. Approved 4-1(Frank Baia)-0.

### 3. 2006-2008 CDBG

Motion by Bill Schmidt to authorize up to \$00 for advertising Phase III of the water line project. 2nd by Marvin Penick. Approved 5-0-0.

#### 4. 2009-2011 CDBG

Motion by Bill Schmidt to authorize up to \$5,000 for the Cherokee SPLOST fund to facilitate stormwater ditch maintenance. 2nd by John McLaughlin. Approved 4-1(Frank Baia)-0.

#### 5. Stormwater Management

Motion by Bill Schmidt to authorize city hall to solicit and manage a casual labor pool of residents to do ditch work at a rate of \$12 per hour on an as needed basis. 2nd by John McLaughlin. Approved 5-0-0.

### AUDIENCE

Jay Barnet stated he was required by the city to submit plans certified by a Level 2 engineer which cost him \$7,000. He further stated he could find no such requirement in the law and asked for Council review. Mayor Still advised he would put together a committee to discuss the matter.

Mayor Still noted the anti-tethering issue deadline from Fulton County had extended to February 13.

Jeffrey Johnson reviewed the following renovations to the civic building: raise the ceiling 18", install solid vinyl windows, insulate using 3/4" insulation plus drywall, solid wainscoting below chair rail, play-up columns using architectural detail, recessed can lighting, re-do floor, construct 8X15 storage building, and install sound system. He further noted the exterior entry way and porch area would be part of Phase 2.

### EXECUTIVE SESSION

Bill Schmidt moved to take a five minute recess and adjourn into executive session to discuss lakes litigation and personnel. 2nd by John McLaughlin. Approved 5-0-0. 9:55 p.m.

Motion by John McLaughlin to reconvene. 2nd by Frank Baia. Approved 5-0-0. 11:20 p.m.

Motion by Bill Schmidt to authorize \$200 to advertise for the position of Administrative Assistant. 2nd by John McLaughlin. Approved 5-0-0.

### ADJOURN

Motion by Bill Schmidt to adjourn. 2nd by John McLaughlin. Approved 5-0-0. 11:21 p.m.

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Jim Still, Jr., Mayor

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Karen Segars, City Clerk