

CITY OF MOUNTAIN PARK

Regular Meeting of Mayor and City Council

May 18, 2009

7:30 PM

Community Building at 100 Lakeshore Drive

CALL TO ORDER-Mayor Jim Still called the meeting to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Jim Still, Council Members John McLaughlin, Frank Baia, Julia Neal, Bill Pulling, Bill Schmidt, Bob Douds and Marvin Penick, City Attorney, Brandon Bowen, and Deputy City Clerk, Lisa Roberts.

DISPOSITION OF ABSENCES

Schmidt moved to approve the absence of Neal from the April 20, 2009 meeting. 2nd by Pulling. Approved 6-0-1(Neal).

FINANCIAL REPORT

Julia Neal presented the following:

Ending Bank Balances as of 4/30:

General Fund \$162,246.25

Enterprise Fund \$608,076.32

Court \$ 5,360.08

Lake Restoration \$101,891.84

SPLOST \$ 34,024.38

TOTAL \$911,598.87

Performance for the month of April:

Revenues General Fund: \$ 12,661.33

Expenses General Fund: \$ 84,763.22

Deficit Net Income: \$ -72,101.89

Revenues Enterprise Fund: \$ 21,990.67

Expenses Enterprise Fund: \$ 15,320.17

Net Ordinary Income: \$ 6,670.50

Other Expense \$ 30.60

Net Income: \$ 6,639.90

## APPROVAL OF MINUTES

Motion by Schmidt to waive the reading of the Regular Council Meeting of April 20, 2009. 2nd by McLaughlin. Approved 6-0-0(Neal).

Motion by Schmidt to adopt the minutes from April 20, 2009. 2nd by McLaughlin. Approved 6-0-1(Neal).

Motion by Schmidt to waive the reading of the minutes of the Special Called Meeting of April 27, 2009. 2nd by McLaughlin. Unanimous approval.

Motion by Schmidt to adopt the minutes from April 27, 2009. 2nd McLaughlin. Unanimously approved.

## ADOPT MEETING AGENDA

Motion by McLaughlin to adopt the agenda as published. 2nd by Schmidt. Passed 7-0-0.

## MAYOR'S REPORT

Still extended condolences to the family of Judge Sammy Jones, Juvenile Court of Fulton County.

Still stated he and the clerk had attended an ARC 2040 planning meeting for North Fulton.

Still announced the upcoming North Fulton Municipal Association meeting being hosted by the City of Mountain Park at The Heron House at 102 Russell Road on Thursday, May 21, 2009 at 7:30 a.m.

## COMMITTEE REPORTS

### Administrative/Legal/Finance

#### 1. Discussion of Ethics Code

Neal moved to extend the moratorium for another 120 days. 2nd by Schmidt. Neal further explained the ordinance was still under review and would come back to council once completed. Penick asked the deadline for submittal to GMA. Neal noted the current moratorium would expire in June so this extension would allow the time necessary for completion and two readings of the ordinance. Discussion ensued regarding the suggested document from GMA and the certification issued by GMA. Still noted every city had to recertify every four years. Approved 7-0-0.

#### 2. Millage Rate

Neal moved to authorize expenditure up to \$2,000 to advertise the 2009 millage rate at the revenue neutral roll back rate as determined by the Fulton County Tax Assessor with the public hearing and adoption of the 2009 millage rate at the June council meeting. 2nd by McLaughlin. Baia asked for the millage rate. Neal stated it was uncertain since only an estimate had yet been discussed, citing 21.8 from last year and 22.4 for this year. Motion carried 6-1(Baia)-0.

Pulling inquired about the deadline for setting the rate with Neal stating no later than the end of June.

BZP

Pulling announced a variance hearing for May 20, 2009 at 7 p.m.

Pulling advised committee recommended council amend Code Section 105-149 by way of ordinance and resolution to add additional language regarding discharge from private driveways. Bowen to draft for review.

#### Lakes/Parks/Recreation

##### 1. Discussion of Fireworks Contract for July 4, 2009

McLaughlin moved to approve the contract with Pyrotechnico to provide the fireworks and the shooters for the July 4, 2009 fireworks display at a cost of \$3,450, with the cost to be funded by \$2,450 donation from the Civic Club and \$1,000 by the city general fund line item #0831300. 2nd by Penick.

Neal asked for clarification regarding the insertion of the term of gross negligence vs. negligence; however the city attorney stated the agreement indemnified the city.

##### 2. DNR Free Fishing Days

McLaughlin moved to declare June 6 and 13, 2009 free fishing days in conjunction with the DNR to celebrate and recognize fishing as a healthy recreational activity and requested city hall to post these dates. 2nd by Penick. Schmidt moved to amend the motion to require a sign to be posted that passes are required on all other days. 2nd by Penick. Unanimous approval.

##### 3. Lake Litigation Update

McLaughlin stated the Woomer settlement agreement had been approved by the Department of Justice with a check to follow next week. Stuart Colman asked where the money was going. McLaughlin advised that has yet to be defined but would ultimately be used for lake restoration. Schmidt stated precedent placed the money in the lakes restoration fund and could be used to pay down litigation expense if council chose to do so. Neal explained the Department of Justice allowed the funds to be used to offset litigation costs but with council approval.

#### Property

##### 1. Pool

Penick stated the new drains had been installed; however the pool did not pass inspection because of some wood decking that need replacing. He is hoping he can close off the area or make the repair to pass inspection for pool opening May 23.

Penick advised \$1,000 had been approved for purchase of lounge chairs and baby changing stations. He further noted after the purchase of the baby changing stations approximately \$700 remained but that more money was needed. Motion by Penick to authorize expenditure

of up to \$1,500 for the purchase of 12 commercial grade plastic loungers which carry a three year warranty. 2nd by Schmidt. Neal asked whether this was the best price and the need for bids. Bowen stated as long as the prices obtained were documented in writing, by vendor and price, the obligation had been met. Motion carried 5-0-2(Baia and Douds).

Public Safety

No report.

Roads & Streets

No report.

Discussion was heard regarding pothole repair and placement of a guard rail at the end of Juniper Street. Pulling suggested individual property assessment to the owner. Neal suggested looking at the original contractor agreement.

Stuart Colman inquired as to the status of the street sign at Robin Drive. Douds stated no money was available at this time.

Utilities

1. Appeals

Motion by Schmidt to waive the late fees on account number 100752 if account current within 60 days due to hardship. 2nd by Neal. Unanimous approval.

Motion by Schmidt to rollback to average water usage for account number 100741 for the month of December 2008 due to a faulty meter. 2nd by Penick. Unanimous.

2. Water waiver for fireworks for Menden-Woods/Roberts

Schmidt moved to waive drought water restrictions for the two locations adjacent to the fireworks launch area during the 4th of July fireworks show. 2nd by Penick. Approved 7-0-0.

3. CDBG Mapping

Motion by Schmidt to put out to bid the mapping valve location/metering location portion of the 2006-2008 CDBG grant and to allocate up to \$500 for advertising and compliance issues. 2nd by Neal. Unanimously approved.

Motion by Schmidt to appoint Ardito Construction as preferred vendor for water line breaks. 2nd by Penick. Unanimously approved.

AUDIENCE

ADJOURN

There being no further business, Pulling moved to adjourn. 2nd by Neal. Approved 7-0-0. 8:20 p.m.

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Jim Still, Jr., Mayor

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Karen Segars, City Clerk