

CITY OF MOUNTAIN PARK

Regular Meeting of Mayor and City Council

June 15, 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 Schmidt, and Marvin Penick, City Attorney, Brandon Bowen, and City Clerk, Karen Segars.

Not present: Council Members Bob Douds and Bill Pulling.

DISPOSITION OF ABSENCES-None

FINANCIAL REPORT

Ms. Segars presented the following:

Ending Bank Balances as of 5/31:

General Fund \$113,932.26

Enterprise Fund \$594,420.56

Court \$ 5,362.00

Lake Restoration \$201,913.47

SPLOST \$ 34,031.51

TOTAL \$949,659.80

Performance for the month of November:

Revenues General Fund: \$ 19,357.14

Expenses General Fund: \$ 60,113.14

Deficit Net Income: \$ -40,756.00

Revenues Enterprise Fund: \$ 19,2381.23

Expenses Enterprise Fund: \$ 20,082.33

Net Ordinary Income: \$ -801.10

Other Expense: \$ 95.33

Deficit Net Income: \$ -896.43

APPROVAL OF MINUTES

Motion by Schmidt to waive the reading of the Regular Council Meeting of May 18, 2009. 2nd by McLaughlin. Approved 5-0-0.

Motion by Schmidt to adopt the minutes from May 18, 2009. 2nd by McLaughlin. Neal requested that paragraph two under millage rate discussion be changed to reflect 21.8 million and 22.4 million respectively, referring to the tax digest. Schmidt moved to amend and accept the minutes as requested. 2nd by McLaughlin. Approved 5-0-0.

#### ADOPT MEETING AGENDA

Still requested an executive session be added to the agenda to discuss lake litigation. Schmidt moved to amend the agenda to add the executive session for discussion of lake litigation. 2nd by McLaughlin. Approved 5-0-0.

Schmidt moved to adopt the agenda as amended. 2nd by McLaughlin. Approved 5-0-0.

#### MAYOR'S REPORT

Still advised dialogue was being heard regarding suspension of the NFMA meetings for the months of June and July but would confirm via email.

Still noted the Tibetan monks would like to return in late September.

Stuart Colman stated the dinner and movie on the green netted a gain of \$277 for the fireworks fund.

Still announced an informational meeting had been held, put together by Julian Powell, to discuss the possibility of grants under the AARA. Discussion was heard as to whether a quorum was present. It was determined no quorum was present.

#### COMMITTEE REPORTS

Administrative/Legal/Finance

No report.

BZP

1. Variance for 101 Robin Drive

McLaughlin stated the property owner was seeking a variance to build a freestanding garage from the 25' Russell Road set back line and also from the side and rear set back lines for the existing residence. McLaughlin moved to approve the request on the side and rear set back lines because they are a pre-existing condition and to approve the request to change the Russell Road set back to 20' with the following conditions:

- 1) The garage will be oriented in the same direction as shown on the attached drawing.
- 2) Before construction can begin the four corners of the garage will be set by a licensed land surveyor.
- 3) The southeast corner of the garage slab will be set at a distance of 20' from Russell Road.

4) The two out buildings shown on the attached plan will be removed.

5) Upon completion of the garage slab the owner will provide the city with a copy of an as built survey by a registered land surveyor showing compliance with the above four conditions.

Discussion was heard regarding the need for the licensed survey as well as clarification for the measurement of the setback. It was also noted a file of all variances should be maintained.

Approved 5-0-0.

McLaughlin stated a BZP meeting would be held on Wednesday night to review the resumes received for the code compliance officer position.

#### Lakes/Parks/Recreation

##### 1. Lake Litigation Update

McLaughlin stated \$100,000 had been received from Woomer and had been deposited into the Lake Restoration Fund.

##### 2. Ditch Project Update

McLaughlin stated an additional \$5,500 was needed to complete the project and moved to approve the expenditure for the maintenance of ditches in Mountain Park, which would allow the completion of ditch maintenance for 2009. This additional funding would finish Mountain Park Road, Chestnut, Cypress, Bay, Juniper and Hemlock Streets. Discussion was heard regarding whose responsibility the right of way was to maintain and it was noted an educational plan was needed. It was also noted this amount was in addition to \$8,000 already spent. Discussion was also heard regarding who controlled the SPLOST money and its specified purposes. Motion carried 4-0-1(Neal).

Julian Powell stated there was a Technical Coordinating Committee meeting on Wednesday with the purpose of reviewing the final changes to the five year plan, which would be adopted in July.

McLaughlin announced the female swan and her three signets would be returned to the lake in the next couple of days after a stay with a local veterinarian attending to her injury.

#### Property

##### 1. Pool

Penick stated water aerobics were coming back to the pool. He also announced the arrival of twelve new lounge chairs.

##### 2. Trailer Purchase

Penick moved to spend up to \$500 for a trailer for maintenance. 2nd by McLaughlin. It was noted bids were not necessary, however the best price would be sought. Approved 5-0-0.

Penick asked if releases were needed from the participants of the water aerobics. Bowen stated none were needed.

## Public Safety

### 1. MPVFR Expenditure

Baia moved to approve \$150 for EMC consumables, line item #1031105. 2nd by McLaughlin. Approved 5-0-0.

Baia moved to approve \$256 and \$170 for batteries to the squad and engine, unscheduled repairs and maintenance, line item #102203. 2nd by McLaughlin. Approved 5-0-0.

### 2. IGA for Animal Control

Baia moved to approve the agreement, with a payment of \$568.22 in July. 2nd by McLaughlin. It was noted this did not contain reference to anti-tethering. Discussion was heard regarding whether the amount was in the budget. It was pointed out the proper amount had not been budgeted for correctly and an amendment would be needed. Motion carried 4-0-1(Neal).

Baia stated an ISO audit would be performed at no cost to the city.

## Roads & Streets

Schmidt noted a past committee meeting to review the LARP list.

## Utilities

### 1. Appeals

Schmidt moved to waive late fee on account #100036 due to post office error on a correctly addressed payment to city hall. 2nd by Penick. Approved 5-0-0.

### 2. Road Cut repairs

Schmidt moved to spend up to \$1,300 to repair road cuts on Cardinal, East Lake and Lakeshore Drive to be paid out of the enterprise fund. 2nd by McLaughlin. Discussion was heard regarding whether the money should come from roads and streets versus enterprise. It was noted the repairs were due to pipe breakages. Motion carried 4-1(Baia)-0.

### 3. EECBG & ARRA Grant Acquisition

Schmidt moved to approve spending up to \$995 for Research and Grant Application for EECGA and ARRA stimulus funding to be administered and monitored by the Mayor, city hall staff and or his designees and to include a 1% bonus payment upon successful award of grants. 2nd by McLaughlin. Baia objected to the process. Motion carried 4-0-1(Baia).

### 4. Technology Purchase

Schmidt moved to spend up to \$995 for a projector system including indoor and outdoor screens to be funded by the enterprise fund out of the technology budget and to be reimbursed by CDBG from the 2009-2011 Civic Building Improvement project. 2nd by Penick. Baia noted the 2009-2011 funding had not yet been approved and his objection to spending enterprise funds. Discussion ensued. Motion carried 4-1(Baia)-0.

### 5. CDBG 2006-2008

Schmidt noted a passing audit and the project was officially closed. Schmidt moved to

instruct the Mayor or city hall staff or their designee to write on city letterhead a letter of appreciation to the Fulton County DCA acknowledging all the help Karan Carter has given us in navigating the treacherous waters of CDBG compliance. 2nd by Neal. Unanimous approval.

6. CDBG 2009-2011

Schmidt stated the advertising process had begun to pre-qualify bidders for the Civic Building project. Discussion ensued regarding the rental of the building with the announcement that improvements through December would not impact the rental of the building.

AUDIENCE

EXECUTIVE SESSION

Penick moved to go into executive session to discuss lake litigation. 2nd by McLaughlin. Approved 5-0-0. 8:45 p.m.

Schmidt moved to adjourn executive session. 2nd by Penick. Approved 5-0-0. 9:25 p.m.

Schmidt moved to reconvene regular council meeting. 2nd by McLaughlin. Approved 5-0-0. 9:25 p.m.

ADJOURN

Penick moved to adjourn. 2nd by Schmidt. Approved 5-0-0. 9:26 p.m.

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Jim Still, Jr., Mayor

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Karen Segars, City Clerk