

CITY OF MOUNTAIN PARK  
Regular Meeting of Mayor and Council  
March 26, 2012  
Community Building at 100 Lakeshore Drive  
7:00 P.M.

CALL TO ORDER-Mayor Still called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Jim Still, Council Members Don Carlson, Gladney Cooper, Scott Mills, Ocoee Penick, and Scott Read, City Attorney, Brandon Bowen, and Clerk/Administrator Karen Segars.

DISPOSTION OF ABSENCES-None

FINANCIAL REPORT

Ending Bank Balances as of 2/29 are:

General Fund \$160,605.71

Enterprise Fund \$352,608.47

Court \$ 5,704.68

Lake Restoration Fund \$204,223.63

SPLOST \$ 7,422.34

EECBG \$ 23,764.62

TOTAL \$754,329.45

Performance for the month of February:

Revenues General Fund: \$ 47,645.17

Expenses General Fund: \$ 26,766.10

Net Income: \$ 20,879.07

Revenues Enterprise Fund \$ 19,643.91

Expenses Enterprise Fund \$ 17,771.35

Net Income \$ 1,872.56

APPROVAL OF MEETING MINUTES

Carlson moved to waive the reading and adopt the minutes from Regular Council of February 27, 2012. 2nd by Cooper. Approved 5-0-0.

ADOPT MEETING AGENDA

Segars requested the algae management be tabled until the next meeting. Carlson moved to adopt the agenda as amended. 2nd by Penick. Approved 5-0-0.

PRESENTATION

David Fitzgibbon, Acting Chief Appraiser, Fulton County 2012 Digest

Fitzgibbon stated the digest was approximately two weeks away from finalization and noted an 8-10% decrease from last year due to foreclosures. He also stated an increase would probably not be realized until 2014.

#### MAYOR'S REPORT

Still stated he had participated in Mayors for Meals and had visited Ms. Green in Roswell. He also noted the bike ride to the Capitol to promote alternative transportation.

#### UNFINISHED BUSINESS

##### 1. Ordinance #314-12 Abolishing Committees

Carlson moved to waive the reading and adopt the 2nd reading. 2nd by Penick. Marvin Penick requested a procedure for public input at meetings be added. Mills moved to amend the motion to include this procedure. Carlson accepted. 2nd by Penick. Approved 5-0-0.

##### 2. Johnson back taxes

Bowen was asked to comment. Bowen stated Council had asked for his legal comments on the issue. He explained the property was annexed in early 2003 and was described in the charter. He advised law requires annexation to be reported to the Department of Community Affairs and the county. He noted while it was clear DCA had been notified, it was not clear if it had been reported to Cherokee County. Bowen explained Johnson was not allowed to vote since the county was unaware of his annexation status. He advised the city discovered the error in 2008 and believed bills were sent out at that time. Segars stated she did not know if Johnson had been back billed; however, Johnson had made the objection in 2008 regarding his inability to vote. She noted Johnson was not billed in 2009 or 2010. Segars explained the voting issue was resolved in 2011 and the bill was sent and paid. She also stated resolution of the matter was needed per the request of the auditors. Bowen continued with his comment by stating the issue seemed to be how far back a taxing authority can collect. He cited a three year statute of limitation on re-evaluations, which did not apply to this issue. He also explained it was the duty of the taxing agency to collect so as not to affect everyone else's burden. Bowen advised a taxing agency did not have the authority to effect principal; however, could waive penalty and interest. He stated the next step after non-collection was tax execution. However, tax execution could only go back seven years, making 2003 and 2004 too stale; therefore, leaving a remainder of \$3,658.89 in principal. Cooper moved to bill for \$3,568.89 forgiving penalties and interest. 2nd by Carlson. Further discussion ensued regarding services received and the definition of reasonable amount of time for payment. It was noted any appeal process would be through the court. Mills stated he did not feel Johnson should have to pay for taxes not billed prior to 2008 due to the confusion from the city and should only be billed for \$2,018.62 with no penalties and interest added. Cooper amended her motion to bill for \$2,018.62 representing 2008, 2009, and 2010 with no penalties or interest added. 2nd by Carlson. Still asked for affirmation that this action would not place the city in jeopardy and Bowen responded affirmatively. Approved 4-1(Read)-0.

#### NEW BUSINESS

##### 1. Approval of Sewer Line Repair at 100 Russell Road

Carlson moved to approve up to \$5,543.60 for this repair. 2nd by Mills. Approved 5-0-0.

##### 2. Pool Management Bid Award

Segars stated she was unable to obtain references for low bidder Aquatic Management and recommended next lowest bidder Dynamo. Mills moved to approve Dynamo in the amount of \$16,500. 2nd by Cooper. Approved 5-0-0.

### 3. 2012 Pool Rates

Mills moved to leave the rates the same as 2011. 2nd by Carlson. Approved 5-0-0.

### 4. Community Building Tree Removal

Still recommended having Cobb EMC remove three trees behind the community building as part of its ongoing project and free of charge. Cooper moved to approve the removal of trees behind the community building posing a threat to the building. 2nd by Carlson. Approved 5-0-0.

## AUDIENCE

Hope Mays asked for approval of two additional dates for Civic Club. Still stated this would appear at the next council meeting.

Mays expressed concern with the lack of committees going forward.

Mike Douglas announced the Easter egg hunt on April 7 and Earth/Arbor Day on April 22.

Linda Dixon inquired about the election she thought was going to happen earlier in March with the Presidential Preference.

Marvin Penick asked for more enforcement of boats without permits.

## ADJOURN

There being no further business, Mills moved to adjourn. 2nd by Carlson. Approved 5-0-0. 8:46 p.m.

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Jim Still, Jr., Mayor

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Karen Segars, Clerk/Administrator