

CITY OF MOUNTAIN PARK

Regular Meeting of Mayor and City Council

February 23, 2009

7:30 PM

Community Building at 100 Lakeshore Drive

CALL TO ORDER-Mayor Jim Still called the meeting to order at 8:08 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Not Present: Council Members Julia Neal and Bill Schmidt.

DISPOSITION OF ABSENCES-McLaughlin moved to excuse the absence of Pulling on January 26, 2009 due to work related issues. 2nd by Douds. Approved 4-0-1(Pulling).

FINANCIAL REPORT

Karen Segars presented the following:

Ending Bank Balances as of 1/31:

General Fund \$194,407.65

Enterprise Fund \$573,407.56

Court \$ 5,356.82

Lake Restoration \$101,829.75

SPLOST \$ 37,281.98

TOTAL \$912,283.76

Performance for the month of January:

Revenues General Fund: \$ 14,658.51

Expenses General Fund: \$132,568.24

Deficit Net Income: \$(117,909.73)

Revenues Enterprise Fund: \$ 16,449.22

Expenses Enterprise Fund: \$ 14,700.90

Net Other Income: \$ 1,748.32

APPROVAL OF MINUTES

Motion by McLaughlin to waive the reading of the Work Session January 21, 2009 minutes. 2nd

by Baia. Approved 5-0-0.

Motion by McLaughlin to adopt the minutes from January 21, 2009. 2nd by Baia. Approved 5-0-0.

Motion by McLaughlin to waive the reading of the Regular Council Meeting minutes of January 26, 2009. 2nd by Penick. Approved 5-0-0.

Motion by McLaughlin to adopt the minutes from January 26, 2009. 2nd by Baia. Approved 5-0-0.

ADOPT MEETING AGENDA

Motion by McLaughlin to approve the agenda as presented. 2nd by Penick. Approved 5-0-0.

PRESENTATION

Lakes litigation update by Martin Shelton

Shelton stated the case was filed in October 2005, with extended discovery that ended a year ago. He stated the magistrate had ruled on the Daubert motions, however the judge had not yet confirmed the magistrate's ruling. He advised all parties had filed motions for summary judgment. He explained that if plaintiff's motion was denied the case would go to trial, if plaintiff's motion was granted then damages would be tried, and if the defendant's motion was granted the case would be dismissed. He opened the discussion for questions.

Keith Ridgeway asked if Woomer's settlement was equal to legal fees paid. Shelton stated it was about neutral. Upon the question of appeal, Shelton stated he would recommend filing an appeal if the defendant's motion for summary judgment was granted and would take about eight months.

Stuart Colman asked if Woomer's settlement was accepted and the case continued whether any recourse remained for obtaining legal fees against Woomer. Shelton stated Woomer would have to be taken out. Shelton could not answer the question regarding Chatham's insurance coverage.

Ridgeway asked if the defendants would file an appeal if the city won the case. Shelton stated they could only file an appeal for mistakes made by the judge in the trial process.

Colman asked if the matrix was still the method for determining liability. Shelton advised another method existed but could not be discussed. Upon the question regarding the final answer on admissibility of the matrix, Shelton stated it would not materially impact the case.

Mike Douglas noted the possibility of defendants reading the minutes of meetings and requested the power point presentation, originally given prior to filing the suit, be shown again to reignite the passion for the cause. He also stated he attended the zoning meetings originally

held at Roswell with the developers and advised he had pointed out the potential damage that would occur to the lakes as a result of runoff and siltation.

There was no further discussion of this matter.

MAYOR'S REPORT

The mayor read a letter received by North Fulton Community Charities acknowledging the donation of food for the food pantry by city residents.

The mayor stated he was working with the Civic Club to organize a fundraiser for March 28 to raise money for the fireworks.

The mayor stated the Citizens Communications System would hold a test on Friday, February 27, 2009 and thanked the MPVFR for its assistance in data entry. He advised the revisions were to enhance the existing system to allow for isolation of zones in the event of important public service announcements (i.e., water outages) as well as emergency announcements.

COMMITTEE REPORTS:

Administrative/Legal/Finance

No report.

BZP

Pulling stated David Dowis, Ed Laderoute and Bill Pulling were now 1B certified for soil and erosion control inspections.

He also stated more discussion would be forthcoming on green building support. He thanked the volunteers of CRAB.

Pulling stated a new building permit packet would be available soon.

Lakes/Parks/Recreation

1. Authorization to Spend Funds for July 4, 2009 Fireworks

McLaughlin stated there would be a 15% increase in the cost of the fireworks this year. Last years display cost a total of \$3,000, with \$2,000 paid by the Civic Club. He advised this years cost would be \$3,450, with \$2,000 paid by the Civic Club and the remaining was available in his budget. He noted a 15% reduction in the fireworks would be noticeable.

2. Discussion of Renewal of Contract with Claire Johnson as Lake Consultant

McLaughlin stated this contract would expire on February 25. He explained Ms. Johnson had been paid \$11,180 over the past 11 months, averaging \$233/week, or an average of 12 hours/week. McLaughlin moved to approve the contract renewal, working on average no more than 30 hours per week and not more than 120 hours per month, at \$20.00 per hour (full motion attached). 2nd by Douds. Baia applauded Ms. Johnson's standard for volunteerism however questioned the need for continued service. Pulling stated he felt it was the least

expensive method to take. Ms. Hill asked about placing a cap on the maximum amount. McLaughlin amended his motion to add a \$15,000 per annum cap since this amount was included in the budget. 2nd by Douds. Stuart Colman asked what the function of the position was at this point. Bowen replied it was high level clerical. Keith Ridgeway stated he thought the work had been completed once the discovery was done. Bowen advised it was ebb and flow. Discussion also was heard regarding oversight of the activity. Upon the vote, motion passed 4-1(Baia)-0.

Stuart Colman recommended accepting donations from non-residents the night of the fireworks. It was noted this had been done in the past and was being discussed by the Civic Club.

The MPVFR was congratulated for raising more money per capita than Roswell Fire.

Keith Ridgeway stated the beavers were still a problem. McLaughlin advised a meeting would be held in the next 30 days and would invite citizens to offer solutions for the problem.

Stuart Colman noted that individuals playing paintball games were now presenting a problem with defacing the natural environment. Still stated a review of the ordinance was in order.

Property

Penick stated bids would be gathered for the operation of the community building once the renovation work had been completed. Penick stated bids for the pool management would be collected. He noted the need for retro-fit pool grates as required by law. It was noted the community building would be closed June, July, August and part of September for the renovation work. Still pointed out the scope of work would depend on the CDBG award.

Public Safety

Lt. Reeves gave the MPVFR annual report. She noted last year 46% of all calls were in the city with an average response time of one minute 51 seconds. She also pointed out a total of 7,649 total man hours.

Baia cited an upcoming committee review of the revised agreement with Roswell. Upon the question from Hope Mays, Baia stated Roswell Police Department wanted a list of vacant homes to watch during its routine patrol.

Roads & Streets

Douds stated no meeting had been held this month. He advised Cardinal Cove was on the LARP list and would be repaved in the first two weeks of March. With regard to determining the status of LARP, he pointed out the DOT ultimately decides where to pave. Discussion was heard regarding how far down the paving would come. While Pulling stated he thought it would be 2/10 mile, Douds stated the work was done by weight.

Douds also pointed out his 2009 budget was wrong and should reflect the same amount as the original 2008 (before amended) budget amount of \$16,750. This would be addressed at a later date.

Utilities

No report.

ADJOURN

There being no further business, Baia moved to adjourn. 2nd by McLaughlin. Approved 5-0-0.
9:40 p.m.

Jim Still, Jr., Mayor

Karen Segars, City Clerk