

CITY OF MOUNTAIN PARK
Regular Meeting of Mayor and Council
April 25, 2011
Community Building at 100 Lakeshore Drive

CALL TO ORDER-Mayor Still called the meeting to order at 7:06 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present-Mayor Jim Still, Council Members Don Carlson, Bob Douds, Scott Hegg, John McLaughlin, and Marvin Penick, City Attorney, Brandon Bowen, and City Clerk/Administrator, Karen Segars.

DISPOSTION OF ABSENCES-Douds & Hegg

McLaughlin moved to excuse the absence of Hegg from March 28. 2nd by Carlson. Approved 3-1(Penick)-1(Hegg).

McLaughlin moved to excuse the absence of Douds from March 28. 2nd by Carlson. Douds stated absence was due to work conflict. Approved 4-0-1(Douds).

FINANCIAL REPORT

Ending Bank Balances as of 3/28 are:

General Fund \$161,494.99

Enterprise Fund \$528,055.10

Court \$ 5,384.30

Lake Restoration Fund \$203,820.70

SPLOST \$ 7,590.04

EECBG \$ 36,144.15

TOTAL \$942,489.28

Performance for the month of March :

Revenues General Fund: \$ 15,165.42

Expenses General Fund: \$ 25,875.93

Net Deficit Income: \$(10,710.51)

Revenues Enterprise Fund \$ 19,556.51

Expenses Enterprise Fund \$ 27,187.76

Net Deficit Income \$ (7,631.25)

APPROVAL OF MEETING MINUTES

McLaughlin moved to waive the reading and adopt the minutes from the Regular Council meeting of March 28, 2011. 2nd by Penick. Approved 5-0-0.

McLaughlin moved to waive the reading and adopt the minutes from the Special Called meeting of March 9, 2011. 2nd by Carlson. Approved 5-0-0.

ADOPT MEETING AGENDA

Carlson moved to adopt the agenda. 2nd by McLaughlin. Approved 5-0-0.

NEW BUSINESS

1. Pool Doors Expenditure Approval

Penick moved to approved up to \$1,000 for restroom exterior doors. 2nd by Carlson. Approved 5-0-0.

4. MP Organic, LLC lease of Spruce Street lot

McLaughlin moved to authorize the Mayor to execute the lease. 2nd by Carlson. Bowen requested a re-drafting of the lease agreement based on a few changes needed. McLaughlin moved to amend the motion to authorize the

Mayor to execute the lease after Bowen's revisions. 2nd by Carlson. Approved 5-0-0.

3. Film Photography Permit

McLaughlin moved to adopt. 2nd by Penick. Bowen stated he had not yet reviewed the documentation. McLaughlin moved to amend his motion to adopt pending review by Bowen. 2nd by Penick. Approved 5-0-0.

2. Variance-130 Beech Street

McLaughlin moved to grant the requested variance at 130 Beech Street to encroach in the city's 25' undisturbed buffer adjacent to Indian Creek, said encroachment may not exceed 12 lineal feet; and further, granted with the following condition: the dimensions of the repaired/reconstructed landing will not exceed 5'x13' in size. 2nd by Carlson. Approved 5-0-0.

UNFINISHED BUSINESS

1. Tree City USA Application

Hegg stated the tree dedication had taken place on Earth Day. Krystal Notter shared the educational exhibits used during Earth Day. She requested a proclamation for declaration on July 4.

2. SWT Bill and Invoices

Hegg presented the invoices from Themis which were for trial boards. He noted the invoices had been submitted to SWT but had now been forwarded to the city for payment. Hegg moved to pay Themis the total of the invoices being \$1,866. 2nd by Penick. Motion failed 2(Hegg, Penick)-3(Carlson, Douds and McLaughlin)- 0.

3. Contract with Martin Shelton of Scoggins & Goodman, PC

Hegg moved to authorize payment of \$7,000 to Scoggins & Goodman, P.C. for work beginning January 1 through April 25. 2nd by Penick. Discussion ensued regarding the discrepancy between the hourly rate of \$250 and \$285. Shelton stated that \$250 reflected a 25% reduction stemming from an agreement between SWT and the city. Shelton stated his intent to tender his letter of resignation. Hegg amended the motion to include payment of all outstanding Shelton invoices, not to exceed \$7,000. 2nd by Penick. Approved 4-1(Douds)-0.

2. SWT Bill & Invoices

Scott Schulten stated during September and October, his firm put in 1700 hours for preparation and trial, representing \$353,000 in salaries and an additional \$72,000 in expenses. He offered to write off \$500,000, leaving a balance of \$411,000. Carlson moved to authorize the Mayor and Bowen to negotiate an agreement to bring back to council for approval. 2nd by Douds. Approved 5-0-0.

Shelton tendered his resignation since there was no reason for appeal. Hegg moved to accept Shelton's resignation. 2nd by Penick. Bowen stated he could handle any remaining issues or the city could find someone else. With regard to the return of the documents, Shelton stated the boxes would need to be picked up in two to three weeks. Approved 5-0-0.

McLaughlin moved to appoint Bowen as counsel of record and make recommendations to the city of how to go forward. 2nd by Carlson. Motion carried 4-1(Hegg)-0.

AUDIENCE

Krystal Notter

Notter presented pictures of the building site at 135 Juniper Street and stated only an eight inch buffer was located next to the city lot, which was in violation of 105-375 #2 regarding setbacks beyond the natural vegetative buffer. She noted the ordinance needed clarification.

Claire Johnson-General Topics

Johnson re-stated her opinion that a conflict of interest existed with McLaughlin. She further noted exparte

communication with the defendants and/or their attorneys.

ADJOURN

There being no further business, McLaughlin moved to adjourn. 2nd by Penick. Approved 5-0-0. 8:26 p.m.

Jim Still, Jr., Mayor

Karen Segars, City Clerk