

CITY COUNCIL
GIL MCDUGAL, MAYOR
SHIRLEY MARCHMAN, MAYOR PRO TEM
MATTHEW MONTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

MAYOR & COUNCIL MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
September 12, 2023 | 6:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Invocation (Rev. Samuel Dawkins, First United Methodist Church of Villa Rica)

Pledge of Allegiance (Ofc. Tyler Morris)

Adoption of the Agenda (Mayor Gil McDougal)

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

Council Updates (Subjects of General Interest and Concern)

Consent Agenda (Mayor Gil McDougal)

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items were discussed at the Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. Consider the Adoption of a Resolution Authorizing the Execution of Documents Related to the Issuance of the Urban Redevelopment Agency Revenue Bond Including Intergovernmental Contract with the Agency (Tommy Ratchford, Murray Barnes Finister, LLP)
2. Surplus Two Vehicles
3. FY23 Budget Amendments 156-168
4. Villa Rica Social Media Policy
5. Design of Punkintown Road Rebuild
6. Survey for Shoreline Lift Station Force Main
7. Improvements to Road Surface on Mirror Lake Dam

A. Governing Body (Mayor Gil McDougal)

1. Approval of May 23, 2023 Special Called Council Meeting Minutes
2. Approval of July 11, 2023 City Council Meeting Minutes
3. Approval of August 8, 2023 City Council Meeting Minutes
4. Approval of August 18, 2023 Special Called Council Meeting Minutes
5. Approval of August 22, 2023 Special Called Council Meeting: Millage Rate Public Hearing #1 Minutes

6. Approval of August 22, 2023 Special Called Council Meeting: Budget Workshop Minutes
7. Approval of August 22, 2023 Special Called Council Meeting: Millage Rate Public Hearing #2 Minutes
8. Approval of August 29, 2023 Special Called Council Meeting: Millage Rate #3 Minutes
9. Approval of August 29, 2023 Special Called Council Meeting: Budget Workshop Minutes
10. Approval of September 5, 2023 Special Called City Council and Public Hearing for FY2024 Budget Meeting Minutes

B. Community Development (Tracy Jarvis, Director)

1. RA-06-18 - Extension of Avemore Rezoning at 55 and 63 Goldworth Road and Public Hearing (Ronald Johnson, Planning & Zoning Administrator)
2. VA-07-23 – Variance from Sections 9.29(1) and 9.29(1)(e) of the Villa Rica Sign Ordinance for Fuqua Outparcels and Public Hearing (Ronald Johnson, Planning & Zoning Administrator)
3. VA-08-23 – Variance from Sections 7.02(26) and 8.09(4)(a) of the Villa Rica Zoning Ordinance for 380 Mirror Lake Blvd and Public Hearing (Ronald Johnson, Planning & Zoning Administrator)
4. Comprehensive Plan Second Public Hearing

C. Finance (Jennifer Hallman, Finance Director)

1. Adopt the 2024 Operating & Capital Budget
2. Financial Update: July 2023

D. City Manager (Tom Barber)

City Manager's Report (Tom Barber)

Adjournment (Mayor Gil McDougal)



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Resolution authorizing the execution of an intergovernmental contract relating to the issuance of the Urban Redevelopment Agency of the City of Villa Rica, Georgia's revenue bond (the "Bond")

AGENDA DATE: September 12, 2023

DATE PREPARED: September 5, 2023

PREPARED BY: Sarah Andrews

AMOUNT: n/a

GL ACCOUNT #:

FUNDING SOURCE:

BUDGETED ITEM?

PUBLIC HEARING: No

PURPOSE: To authorize the execution, delivery and performance of an intergovernmental contract dated as of September 1, 2023 (the "Contract") with the Urban Redevelopment Agency of the City of Villa Rica, Georgia (the "Agency").

BACKGROUND: The Agency adopted a bond resolution on August 18, 2023, providing for the issuance of the Bond to finance the City's Urban Redevelopment Projects (the "Project"). Pursuant to the Contract, the Agency will agree to issue the Bond and the City will agree to, among other things, (a) acquire, construct, equip and operate the Project, (b) pay the Agency amounts sufficient to enable the Agency to pay the debt service on the Bond (the "Contract Payments") and (c) levy an ad valorem property tax on all property in the City subject to such tax in order to make such Contract Payments (only in the event lawfully available funds are not available). The Contract Payments are expected to be made from revenues generated within Tax Allocation District Number 1-City of Villa Rica, Georgia commonly known as the "Eastside Tax Allocation District."

STAFF RECOMMENDATION:

IMPACT:

MOTION: I move to adopt the resolution and authorize the Mayor and City Clerk to execute the documents as needed.

A RESOLUTION AUTHORIZING, INTER ALIA, THE EXECUTION OF AN INTERGOVERNMENTAL CONTRACT RELATING TO THE ISSUANCE OF AN URBAN REDEVELOPMENT AGENCY OF THE CITY OF VILLA RICA, GEORGIA REVENUE BOND, SERIES 2023

WHEREAS, the City Council (the “City Council”) of the City of Villa Rica, Georgia (the “City”) adopted a resolution on August 8, 2023 finding that one or more “pockets of blight” existed in the City, and the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas was necessary in the interest of the public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council adopted a resolution on August 18, 2023 designating certain areas within the City as “urban redevelopment areas” (each, an “Urban Redevelopment Area” and collectively, the “Urban Redevelopment Areas”) within the meaning of the Urban Redevelopment Law of the State of Georgia (O.C.G.A. Section 36-61-1 *et seq.*, as amended) (the “Act”); and

WHEREAS, the City Council adopted a resolution on August 18, 2023 creating the Urban Redevelopment Agency of the City of Villa Rica, Georgia (the “Agency”); and

WHEREAS, after a public hearing in accordance with the Act, the City Council adopted a resolution on August 18, 2023, approving an urban redevelopment plan relating to the Urban Redevelopment Areas entitled “Urban Redevelopment Plan of the City of Villa Rica, Georgia” (the “Urban Redevelopment Plan”); and

WHEREAS, pursuant to the Act, the Agency has the power to (a) acquire, construct, improve or modify, redevelop or rehabilitate, and to cause to be placed into operation and operated, urban redevelopment projects within the City and (b) pay all or part of the cost of any projects from the proceeds of revenue bonds issued by the Agency; and

WHEREAS, Article IX, Section III, Paragraph I(a) of the Constitution of the State of Georgia authorizes, among other things, any county, municipality or other political subdivision of the State to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the Agency proposes to issue its Revenue Bonds, Series 2023, in principal face amount of \$20,985,000 (the “Bond”) for the purpose of (a) financing all or a portion of the costs of the urban redevelopment project identified in the Urban Redevelopment Plan (the “Project”), (b) paying capitalized interest through July 1, 2025, and (c) paying the costs of issuing the Bond; and

WHEREAS, the Agency and the City propose to enter into an Intergovernmental Contract, dated as of September 1, 2023 or the first day of the month in which the Bond is actually

issued (the “Contract”), pursuant to which the Agency will agree to, among other things, issue the Bond, and the City will agree to, among other things, (a) acquire, construct, equip and operate the Project, (b) pay the Agency amounts sufficient to enable the Agency to pay the debt service on the Bond (the “Contract Payments”) and (c) levy an ad valorem property tax on all property in the City subject to such tax in order to make such Contract Payments; and

WHEREAS, the Bond will be secured by a lien on the Contract and the Contract Payments; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Villa Rica, Georgia, and it is HEREBY RESOLVED, as follows:

Section 1. Authorization Financing of the Urban Redevelopment Project. The financing of the Urban Redevelopment Project as described above is hereby authorized.

Section 2. Authorization of Bond; Acknowledgment of Resolution. The issuance of the Bond by the Agency is hereby authorized to the extent necessary. The City hereby acknowledges receipt of the Resolution adopted by the Agency.

Section 3. Authorization of the Contract. The execution, delivery and performance of the Contract are hereby authorized. The Contract shall be executed by the Mayor or Mayor Pro Tem. The City Clerk may attest the same and the seal may be impressed thereon. The Contract shall be in substantially the form attached hereto as Exhibit “A,” subject to such changes, insertions and omissions as may be approved by the person executing the same and the City Attorney, and the execution of the Contract shall be conclusive evidence of any such approval. The Contract is by this reference thereto spread upon the minutes.

Section 4. Validation of Bond. The execution and filing of the answer by the Mayor, Mayor Pro-Tem, City Clerk and City Attorney and any and all further instruments and pleadings as they might deem necessary to validate the Bond in the Superior Court of Carroll County are hereby ratified and approved.

Section 5. General Authority. The proper officers, employees and agents of the City are hereby authorized, empowered and directed to do all such acts and things, including, but not limited to making covenants on behalf of the City and to execute all such documents and certificates as may be necessary to carry out the transactions contemplated by this resolution.

Section 6. Actions Approved and Confirmed. All acts and doings of the officers, employees and agents of the City which are in conformity with the purposes and intent of this resolution are hereby authorized and approved.

Section 7. Repealing Clause. Any and all resolutions or parts of resolutions in conflict with this resolution are hereby repealed.

Section 8. Effective Date. This resolution shall take effect immediately upon its adoption

ADOPTED this 12th day of September, 2023

.

CITY COUNCIL

(SEAL)

By: _____
Mayor

Attest:

Clerk

EXHIBIT “A”

INTERGOVERNMENTAL CONTRACT

TABLE OF CONTENTS

ARTICLE I. DEFINITIONS	3
Section 1.1. Definitions.....	3
ARTICLE II. REPRESENTATIONS.....	4
Section 2.1. Representations by the Agency.....	4
Section 2.2. Representations by the City.	5
ARTICLE III. ISSUANCE OF THE BOND; APPLICATION OF BOND PROCEEDS.....	7
Section 3.1. Agreement to Issue Bond.....	7
Section 3.2. Application of Bond Proceeds.	7
ARTICLE IV. COMMENCEMENT AND COMPLETION OF THE PROJECT.....	8
Section 4.1. Agreement to Construct and Equip the Project.....	8
Section 4.2. Establishment of Completion Date.	8
Section 4.3. In Event Bond Proceeds Insufficient.	8
ARTICLE V. EFFECTIVE DATE AND DURATION OF THIS CONTRACT; PAYMENT PROVISIONS; TAX LEVY AND LIENS.....	9
Section 5.1. Effective Date of this Contract; Duration of Contract Term.	9
Section 5.2. Contract Payments.	9
Section 5.3. Obligations of City Hereunder Absolute and Unconditional.....	9
Section 5.4. Tax Levy to Pay Contract Payments.....	10
ARTICLE VI. SPECIAL COVENANTS OF CITY.....	11
Section 6.1. Operation of the Project.	11
Section 6.2. Insurance.	11
Section 6.3. Fiscal Agents.....	11
Section 6.4. Indemnification.	11
Section 6.5. Financial Statements.	12
ARTICLE VII. SPECIAL COVENANTS OF AGENCY AND CITY	13
Section 7.1. Further Assurances and Corrective Instruments, Recordings and Filings.	13
Section 7.2. Tax Covenants.	13
Section 7.3. Assignments.....	13
Section 7.4. Compliance with Resolution.....	13
ARTICLE VIII. EVENTS OF DEFAULT AND REMEDIES	14
Section 8.1. Events of Default Defined.	14
Section 8.2. Remedies on Default.....	14
Section 8.3. No Remedy Exclusive.....	14
Section 8.4. Agreement to Pay Attorneys' and Consultant's Fees and Expenses.	15
Section 8.5. No Additional Waiver Implied by One Waiver.....	15
ARTICLE IX. MISCELLANEOUS	16

Section 9.1.	Notices.	16
Section 9.2.	Binding Effect.	16
Section 9.3.	Severability.	16
Section 9.4.	Third-Party Beneficiaries.	16
Section 9.5.	Amendments, Changes and Modifications.	16
Section 9.6.	Execution Counterparts.	16
Section 9.7.	Captions.	16
Section 9.8.	No Personal Recourse.	17
Section 9.9.	Law Governing Construction of Contract.	17

Exhibit A- Form of Completion Certificate

INTERGOVERNMENTAL CONTRACT

THIS INTERGOVERNMENTAL CONTRACT is entered into as of September 1, 2023 (this “Contract”), by and between the URBAN REDEVELOPMENT AGENCY OF THE CITY OF VILLA RICA, GEORGIA (the “Agency”), a body corporate and politic of the State of Georgia, and the CITY OF VILLA RICA, GEORGIA (the “City”), a municipal corporation of the State of Georgia.

W I T N E S S E T H:

WHEREAS, the Mayor and City Council (the “City Council”) of the City adopted a resolution on August 8, 2023 finding that one or more “pockets of blight” existed in the City, and the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas was necessary in the interest of the public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, the City Council adopted a resolution on August 18, 2023 designating certain areas within the City as “urban redevelopment areas” (each, an “Urban Redevelopment Area” and collectively, the “Urban Redevelopment Areas”) within the meaning of the Urban Redevelopment Law of the State of Georgia (O.C.G.A. Section 36-61-1 *et seq.*, as amended) (the “Act”); and

WHEREAS, the City Council adopted a resolution on August 18, 2023 creating the Urban Redevelopment Agency of the City of Villa Rica, Georgia (the “Agency”); and

WHEREAS, after a public hearing in accordance with the Act, the City Council adopted a resolution on August 18, 2023, approving an urban redevelopment plan relating to the Urban Redevelopment Areas entitled “Urban Redevelopment Plan Villa Rica URA 2023” (the “Urban Redevelopment Plan”); and

WHEREAS, pursuant to the Act, the Agency has the power to (a) acquire, construct, improve or modify, redevelop or rehabilitate, and to cause to be placed into operation and operated, urban redevelopment projects within the City and (b) pay all or part of the cost of any projects from the proceeds of revenue bonds issued by the Agency; and

WHEREAS, Article IX, Section III, Paragraph I(a) of the Constitution of the State of Georgia authorizes, among other things, any county, municipality or other political subdivision of the State to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the Agency proposes to issue its Revenue Bond, Series 2023, in principal face amount of \$20,985,000 (the “Bond”) for the purpose of (a) financing all or a portion

of the costs of the urban redevelopment project identified in the Urban Redevelopment Plan (the “Project”), (b) paying capitalized interest through July 1, 2025, and (c) paying the costs of issuing the Bond; and

WHEREAS, the Agency and the City propose to enter into an Intergovernmental Contract, dated as of September 1, 2023 or the first day of the month in which the Bond is actually issued (the “Contract”), pursuant to which the Agency will agree to, among other things, issue the Bond, and the City will agree to, among other things, (a) acquire, construct, equip and operate the Project, (b) pay the Agency amounts sufficient to enable the Agency to pay the debt service on the Bond (the “Contract Payments”) and (c) levy an ad valorem property tax on all property in the City subject to such tax in order to make such Contract Payments; and

WHEREAS, the Bond will be secured by a lien on the Contract and the Contract Payments.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Authority and the City, hereto agree as follows:

ARTICLE I.

DEFINITIONS

Section 1.1. Definitions.

Capitalized terms used but not defined herein shall have the meanings assigned to them in the Resolution. The following words and terms shall have the following meanings unless the context or use clearly indicates another or different meaning or intent:

“Completion Date” means the date that the Project is completed.

“Fiscal Agents” means the Paying Agent, Bond Registrar, Project Fund Custodian and Sinking Fund Custodian.

ARTICLE II.

REPRESENTATIONS

Section 2.1. Representations by the Agency.

The Agency makes the following representations as the basis for the undertakings on its part herein contained:

(a) The Agency is a body corporate and politic duly created and validly existing under the Constitution and laws of the State. The Agency is authorized and has the power to (i) adopt the Resolution and perform its obligations thereunder, (ii) issue, execute, deliver and perform its obligations under the Bond and (iii) execute, deliver and perform its obligations under this Contract (items (i) through (iii) are collectively referred to herein as the “Agency Transactions”). The Resolution has been duly adopted and has not been modified or repealed. The Agency has duly authorized the Agency Transactions. The Resolution, the Bond and this Contract are valid, binding and enforceable obligations of the Agency.

(b) No approval or other action by any governmental authority or agency or other person is required to be obtained by the Agency as of the date hereof in connection with the Agency Transactions; provided, however, no representation is given with respect to any “blue sky” laws.

(c) The Agency Transactions do not (i) violate the Act or the laws or Constitution of the State or any existing court order, administrative regulation, or other legal decree to which the Agency or its property is subject or (ii) constitute a breach of or a default under or any agreement, indenture, mortgage, lease, note or other instrument to which the Agency is a party or by which it or its property is subject.

(d) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body, pending or, to the knowledge of the Agency, threatened against or affecting the Agency (or, to the knowledge of the Agency, any meritorious basis therefor) (i) attempting to limit, enjoin or otherwise restrict or prevent the Agency from issuing the Bond, (ii) contesting or questioning the existence of the Agency or the titles of the present officers of the Agency to their offices or (iii) wherein an unfavorable decision, ruling or finding would adversely affect the (1) enforceability of the Bond, the Resolution or this Contract, (2) financial condition or results of operations of the Agency or (3) the Agency Transactions.

(e) The Agency is not (i) in violation of the Act or the laws or Constitution of the State or any existing court order, administrative regulation, or other legal decree to which the Agency or its property is subject or (ii) in breach of or default under any agreement, indenture, mortgage, lease, note or other instrument to which the Agency is a party or by which it or its property is subject.

(f) The issuance of the Bond is within the public purposes intended to be served by the Agency.

The Agency makes no representation or warranty with respect to the (a) condition or workmanship of any part of the Project, (b) suitability of the Project for the City's purposes, (c) sufficiency of the Bond proceeds to pay the costs of the Project or (d) the financial condition of the City.

Section 2.2. Representations by the City.

The City makes the following representations as the basis for the undertakings on its part herein contained:

(a) The City is a municipal corporation duly created and validly existing under the Constitution and laws of the State. The City is authorized to and has the power to (i) execute, deliver and perform its obligations under this Contract and ii construct, equip and operate the Project (items (i) and (ii) are collectively referred to as the "City Transactions"). The City has duly authorized the City Transactions. This Contract is a valid, binding and enforceable obligation of the City.

(b) No approval or other action by any governmental authority or agency or other person is required to be obtained by the City as of the date hereof in connection with the City Transactions; provided, however, no representation is given with respect to any "blue sky" laws.

(c) The City Transactions do not (i) violate the laws or Constitution of the State or any existing court order, administrative regulation, or other legal decree to which the City or its property is subject or (ii) constitute a breach of or a default under or any agreement, indenture, mortgage, lease, note or other instrument to which the City is a party or by which it or its property is subject.

(d) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body, pending or, to the knowledge of the City, threatened against or affecting the City (or, to the knowledge of the City, any meritorious basis therefor) (i) attempting to limit, enjoin or otherwise restrict or prevent the Agency from issuing the Bond or the City from constructing, equipping and operating the Project, (ii) contesting or questioning the existence of the City or the titles of the present officers of the City to their respective offices or (iii) wherein an unfavorable decision, ruling or finding would adversely affect the (1) enforceability of this Contract, (2) financial condition or results of operations of the City or (3) the City Transactions.

(e) The City is not (i) in violation of the laws or Constitution of the State or any existing court order, administrative regulation, or other legal decree to which the City or its property is subject or (ii) in breach of or default under any agreement, indenture, mortgage, lease, note or other instrument to which the City is a party or by which it or its property is subject.

(f) The Tax Allocation District Number 1 – City of Villa Rica, Georgia (the “Eastside Tax Allocation District”) has been duly created. The City, The Carroll County School District and Carroll County, Georgia have pledged their positive tax allocation increment (the “Tax Allocation Increment”) to pay redevelopment costs. The Tax Allocation Increment can be used to make the Contract Payments.

(g) The City anticipates completing the Project on or after January 1, 2025.

The City makes no representation or warranty with respect to the financial condition of the Agency.

ARTICLE III.

ISSUANCE OF THE BOND; APPLICATION OF BOND PROCEEDS

Section 3.1. Agreement to Issue Bond.

The Agency agrees that it will validate and issue the Bond. The Agency shall deliver a certified copy of the Resolution to the City promptly upon adoption thereof.

Section 3.2. Application of Bond Proceeds.

The proceeds from the sale of the Bond shall be applied as provided in Article IV, Section 401 of the Resolution, and the City hereby approves the issuance of the Bond and the application of proceeds.

ARTICLE IV.

COMMENCEMENT AND COMPLETION OF THE PROJECT

Section 4.1. Agreement to Construct and Equip the Project.

The City shall be solely responsible for the construction and equipping of the Project.

The City shall obtain all necessary approvals from any and all governmental agencies requisite to the construction and equipping of the Project. The Project shall be constructed and equipped in compliance with all federal, state and local laws, ordinances and regulations applicable thereto. The City will take such action and institute such proceedings as it shall deem appropriate to assure that the construction and equipping of the Project will proceed in an efficient and workmanlike manner.

The City shall construct and equip the Project with all reasonable dispatch and shall use its best efforts to cause the construction and equipping of the Project to be completed as soon as may be practical, delays incident to strikes, riots, acts of God or the public enemy beyond the reasonable control of the City excepted.

The City shall prepare the Requisitions required by the Resolution.

Section 4.2. Establishment of Completion Date.

The Completion Date shall be evidenced to the Project Fund Custodian and the Agency by a completion certificate signed by an Authorized City Representative substantially in the form attached hereto as Exhibit A

Section 4.3. In Event Bond Proceeds Insufficient.

The Agency does not make any warranty, either express or implied, that the proceeds derived from the sale of the Bond will be sufficient to pay all the costs of the Project. In the event that the proceeds derived from the sale of the Bond are insufficient to pay all the costs of Project intended to be financed with Bond proceeds, the City shall pay the remaining costs.

ARTICLE V.

EFFECTIVE DATE AND DURATION OF THIS CONTRACT; PAYMENT PROVISIONS; TAX LEVY AND LIENS

Section 5.1. Effective Date of this Contract; Duration of Contract Term.

This Contract shall become effective as of the execution and delivery of this Contract, and the obligations created by this Contract shall then begin, and, subject to the other provisions of this Contract, shall expire January 1, 2041, or if at said time and on said date the Bond has not been paid in full then on such date as such payment shall have been made, but in no event in excess of 50 years from the date hereof.

Section 5.2. Contract Payments.

(a) The City agrees to pay the Contract Payments at least one day before the applicable Interest Payment Date. The Agency has assigned the Contract Payments to the owner of the Bond, and the City consents to such assignment. The Agency hereby directs the City to make the Contract Payments directly to the Sinking Fund Custodian unless the Agency, the City and the owner of the Bond shall provide otherwise pursuant to Section 208 of the Resolution. In the event the City should fail to make any of the Contract Payments, the item or installment so in default shall continue as an obligation of the City until the amount in default shall have been fully paid, and the City agrees to pay the same with interest thereon at the rate borne by the Bond, to the extent permitted by law, from the date thereof.

(b) In the event the City should fail to make any of the payments required in this Section 5.2, the item or installment so in Default shall continue as an obligation of the City until the amount in Default shall have been fully paid, and the City agrees to pay the same with interest thereon at the rate borne by the Bond, to the extent permitted by law, from the date thereof.

(c) The City shall have and is hereby granted the option to prepay from time to time payments due under this Contract, but only in accordance with the provisions of the Resolution permitting prepayment of the Bond, in amounts sufficient to pay or cause to be paid the Bond in accordance with the provisions of the Resolution.

Section 5.3. Obligations of City Hereunder Absolute and Unconditional.

The obligations of the City to make the Contract Payments and to perform and observe the other agreements on its part contained herein shall be absolute and unconditional. Until such time as the principal of and interest on the Bonds outstanding under the Resolution shall have been paid in full or provision for the payment thereof shall have been made in accordance with the Resolution, the City (a) will not suspend or discontinue any Contract Payments except to the extent the same can be and have been prepaid, (b) will perform and observe all of its other agreements contained in this Contract and (c) will not terminate the Contract for any cause, including, without limiting the generality of the foregoing, failure of the City to complete the

Project, any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, destruction of or damage to the Project, commercial frustration of purpose, any change in the tax or other laws of the United States of America or of the State of Georgia or any failure of the Agency to perform and observe any agreement, whether express or implied, or any duty, liability or obligation arising out of or connected with this Contract or the Resolution. Nothing contained in this Section shall be construed to release the Agency from the performance of any of the agreements on its part herein contained; and if the Agency should fail to perform any such agreement, the City may institute such action against the Agency as the City may deem necessary to compel performance as long as such action shall not do violence to or adversely affect the agreements on the part of the City contained in the preceding sentence and to make the Contract Payments.

Section 5.4. Tax Levy to Pay Contract Payments.

The City covenants that it will (a) levy an ad valorem tax, unlimited as to rate or amount, on all property located within the City subject to such tax in the amounts necessary to make the Contract Payments and (b) make available and use for such Contract Payments all taxes levied and collected for that purpose. The City further covenants and agrees that it will, in its general revenue, appropriation, and budgetary measures whereby its tax funds or revenues and the allocation thereof are controlled or provided for, include sums sufficient to timely make the Contract Payments. The obligation of the City to pay the Contract payments shall constitute a general obligation for which the full faith, credit, and taxing power of the City are pledged.

ARTICLE VI.

SPECIAL COVENANTS OF CITY

Section 6.1. Operation of the Project.

The City shall maintain the Project in good working order. The City shall operate the Project or shall cause the Project to be operated and shall pay all costs of operating the Project or shall cause all costs of operating the Project to be paid, including, without limitation, salaries, wages, employee benefits, the payment of any contractual obligations incurred pertaining to the operation of the Project, cost of materials and supplies, rentals of leased property, real or personal, insurance premiums, audit fees, any incidental expenses and such other charges as may properly be made for the purpose of operating the Project in accordance with sound business practice.

Section 6.2. Insurance.

The City shall insure the Project or shall cause the Project to be insured in accordance with the customary insurance practices of agencies and governmental authorities operating similar facilities. All insurance policies shall be obtained from reputable companies licensed to do business in the State. If the City maintains general liability insurance with respect to the Projects, the Agency shall be named as an additional insured, unless the policy prohibits it.

Section 6.3. Fiscal Agents.

The City shall pay the Fiscal Agents for their services under the Resolution.

Section 6.4. Indemnification.

To the extent permitted by law, the City hereby agrees to release the Agency from and to indemnify the Agency (and its members, officers and employees) for any and all liabilities and claims against the Agency arising from the issuance of the Bonds and the City's, construction, equipping, ownership and operation of the Project, including without limitation, (a) any condition of the Project, (b) any breach or default on the part of the City in the performance of any of its obligations under this Contract, (c) any act or negligence of the City or of any of its agents, contractors, servants, employees or licensees, (d) any act or negligence of any assignee or lessee of the City, or of any agents, contractors, servants, employees or licensees of any assignee or lessee of the City, or (e) any material misstatement or omission in connection with the sale of the Bonds. Notwithstanding the foregoing, the City shall not be required to indemnify the Agency for its gross negligence or willful misconduct.

If any such claim is asserted, the Agency or any individual indemnified herein, as the case may be, will give prompt written notice to the City, and the City will promptly assume the defense thereof, including the employment of counsel and payment of all expenses of such defense, with full power to litigate, compromise or settle the same in its sole discretion; provided that the Agency shall have the right to approve in writing all counsel engaged by the City to conduct such defense, which approval shall not be unreasonably withheld.

The Agency shall have the right to employ separate counsel in any such action and to participate in the defense thereof, but the City shall not be required to pay the fees and expenses of such separate counsel unless the separate counsel is employed with the approval of the City, or the Agency determines that it has defenses that are different from the City. The City shall not unreasonably withhold its approval of such separate counsel.

Notwithstanding anything in this Contract to the contrary, the provisions of this Section 6.4 shall survive the termination of this Contract.

Section 6.5. Financial Statements.

The City shall provide a copy of its audited financial statements to the owner of the Bond in reasonable detail, with supporting schedules (the “Audit”) within 270 days of the end of each fiscal year. The City may satisfy its obligation to provide the owner of the Bond with audited financial statements by posting the Audit on a public website.

ARTICLE VII.

SPECIAL COVENANTS OF AGENCY AND CITY

Section 7.1. Further Assurances and Corrective Instruments, Recordings and Filings.

The Agency and the City agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the intention of or facilitating the performance of this Contract.

Section 7.2. Tax Covenants.

The Agency and the City agree to do all things necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bond and not to do anything that would adversely affect such exclusion.

Section 7.3. Assignments

Except for the assignment of the Contract pursuant to the Resolution, this Contract may not be assigned, as a whole or in part, by the Agency. The Agency has assigned this Contract to the owners of the Bond, and the City consents to such assignment.

This Contract may not be assigned, as a whole or in part, by the City without the consent of the Agency. No assignment shall relieve the City from primary liability for any obligations hereunder, and in the event of any such assignment the City shall continue to remain primarily liable for payment of the Contract Payments and for performance and observance of the other agreements on its part herein provided to be performed and observed by the City to the same extent as though no assignment had been made.

Section 7.4. Compliance with Resolution.

The Agency shall comply with all of its obligations under the Resolution.

ARTICLE VIII.

EVENTS OF DEFAULT AND REMEDIES

Section 8.1. Events of Default Defined.

The following shall be “events of default” under this Contract and the terms “event of default” or “default” shall mean, whenever they are used in this Contract, any one or more of the following events:

(a) Failure by the City to make the Contract Payments; or

(b) Failure by the City or the Agency to observe and perform any covenant, condition or agreement of this Contract on its part to be observed or performed, other than as referred to in subsection (a) of this Section, for a period of 30 days after written notice, specifying such failure and requesting that it be remedied, shall have been given to the City or the Agency, as appropriate, by the non-defaulting party or the bondholders, unless the non-defaulting party and the bondholders shall agree in writing to an extension of such time prior to its expiration; provided, however, if the failure stated in the notice cannot be corrected within the 30-day period, the non-defaulting party and the bondholders will not unreasonably withhold their consent to an extension of such time if it is possible to correct such failure and corrective action is instituted within the applicable period and diligently pursued until the default is corrected; or

(c) Any representation in this Contract shall be untrue.

(d) An “Event of Default” shall have occurred under the Resolution.

Section 8.2. Remedies on Default.

Whenever any event of default referred to in Section 8.1 hereof shall have happened and be existing, the non-defaulting party or the owner of the Bond may take any action and pursue any remedy available under the Resolution and the laws of the State of Georgia, including, without limitation, bringing an action for specific performance. Notwithstanding the foregoing, the bondholders shall not have the right to accelerate the Bond.

Section 8.3. No Remedy Exclusive.

No remedy herein conferred is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Contract or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon the occurrence of any event of default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to exercise any remedy reserved in this Article, it shall not be necessary to give any notice, other than such notice or notices as may be herein expressly required. Such rights and remedies as are given to the Agency hereunder shall also extend to the

bondholders, and the bondholders shall be deemed third party beneficiaries of all covenants and agreements herein contained.

Section 8.4. Agreement to Pay Attorneys' and Consultant's Fees and Expenses.

If an event of default shall occur hereunder and the non-defaulting party should employ attorneys or consultants or incur other expenses for the enforcement of performance or observance of any obligation or agreement on the part of the City or the Agency herein contained, the defaulting party agrees that it shall on demand therefor pay to the non-defaulting party or the bondholders the reasonable fee of such attorneys and consultants and such other reasonable expenses so incurred by the non-defaulting party and the bondholders.

Section 8.5. No Additional Waiver Implied by One Waiver.

If any agreement contained in this Contract should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

ARTICLE IX.

MISCELLANEOUS

Section 9.1. Notices.

All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when hand delivered, sent by a reputable overnight delivery service or mailed by registered or certified mail, return receipt requested, postage prepaid.

Section 9.2. Binding Effect.

This Contract shall inure to the benefit of and shall be binding upon the Agency and the City.

Section 9.3. Severability.

If any provision of this Contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 9.4. Third-Party Beneficiaries.

The owner of the Bond secured by this Contract are third-party beneficiaries hereof.

Section 9.5. Amendments, Changes and Modifications.

This Contract may be amended, changed and modified without the consent of the owner of the Bond to (a) cure any ambiguity or formal defect or omission in this Contract; (b) grant any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owner of the Bond by the City; (c) further expand or clarify the amounts required to be paid into the Sinking Fund and the timing thereof; (d) conform to supplements to the Resolution; or (e) make any other amendments, changes and modifications that in the opinion of counsel are not materially adverse to the interest of the bondholder. Any other amendments, changes and modification in this Contract will become effective only with the consent of the owner of the Bond secured hereby. In no event, however, may any such amendments, changes and modifications permit (a) the reduction of Contract Payments required to be made to ensure the payment of the Bond and the other obligations secured by the Resolution.

Section 9.6. Execution Counterparts.

This Contract may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 9.7. Captions.

The captions and headings in this Contract are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Contract.

Section 9.8. No Personal Recourse.

No personal recourse shall be had for any claim based on this Contract against any member, officer or employee of the Agency or the City in his or her individual capacity.

Section 9.9. Law Governing Construction of Contract.

This Contract shall be governed by, and construed in accordance with, the laws of the State.

IN WITNESS WHEREOF, the Agency and the City have caused this Contract to be executed in their respective corporate names by their duly authorized officers and their respective seals to be hereunto affixed, all as of the date first above written.

**URBAN REDEVELOPMENT AGENCY OF
THE CITY OF VILLA RICA, GEORGIA**

(Seal)

By: _____
Chairman

Attest:

Secretary

(Intergovernmental Contract)

CITY OF VILLA RICA, GEORGIA

(Seal)

By: _____
Mayor

Attest:

City Clerk

EXHIBIT A
COMPLETION CERTIFICATE

Truist Bank
Wilson, North Carolina

Urban Redevelopment Agency of the City of Villa Rica, Georgia
City of Villa Rica, Georgia

Re: Urban Redevelopment Agency of the City of Villa Rica, Georgia Revenue Bond,
Series 2023

To the Addressees:

The proceeds of the above-captioned bond (the “Bond”) was used to finance a certain project (the “Project”) for the benefit of the City of Villa Rica, Georgia (the “City”). The Urban Redevelopment Agency of the City of Villa Rica and the City entered into an Intergovernmental Contract, dated as of September 1, 2023 (the “Contract”) relating to the Bond. Capitalized terms used, but not defined herein, shall have the meanings assigned to them in the Contract.

The undersigned Authorized City Representative hereby certifies as follows:

1. The Project has been completed.
2. Except for amounts retained by the City to pay any costs of the Project not then due and payable, all costs of labor, services, materials and supplies have been paid.

The foregoing certifications have been made without prejudice to any rights against third parties which exist at the date of this certificate or which may subsequently come into being.

[Include the following only if there are excess moneys in the Project Fund]

You are hereby directed to transfer all moneys in the Project Fund to the Sinking Fund.

CITY OF VILLA RICA, GEORGIA

By: _____
Authorized City Representative

CITY CLERK'S CERTIFICATE

The undersigned Clerk of the City Council (the "City Council") DOES HEREBY CERTIFY that the foregoing pages of typewritten matter pertaining to issuance of revenue bonds constitute a true and correct copy of the Resolution adopted by the City Council on September 12, 2023 in a meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout, and that the original of the Resolution appears of record in the Minute Book of the City Council, which is in the undersigned's custody and control.

WITNESS my hand and the official seal of the City Council, this 12th day of September 2023.

Clerk

(SEAL)



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Surplus of Two Vehicles

AGENDA DATE: 9/12/23

DATE PREPARED: 8/14/23

PREPARED BY: Chris Maddox

AMOUNT: 7.5 % of total sale price after the auction, funds are taken out of our payments

GL ACCOUNT #: General Fund

FUNDING SOURCE: N/A

BUDGETED ITEM? N/A

PURPOSE: To sell 2 units which are currently not being used. 1 (#1991) is a former PD unit which is worth roughly 4-5k and needs \$2600 in repairs. 1(#8911) is a former wastewater unit and has been replaced with a newer vehicle. This unit is a diesel which is costly to repair and is an older model.

BACKGROUND: We have used GovDeals Online Auctions with good success since 2009 to auction off our used vehicles and small equipment that are no longer feasible to repair. GovDeals.com takes 7.5% percent of the sale as payment, and handles all paperwork and transactions, and then sends us a check. Everything is all listed nationwide on their website. The vehicles are all sold as is where is. Buyers have 30 days to pick them up after payment. If they don't, GovDeals lists them again for no charge to us, and resells them.

STAFF RECOMMENDATION: To let us proceed with auctioning these 2 units to make room for newer units.

IMPACT: Free up room at Avanti building as well as wastewater plant and have those auction funds put back into each department for their needs.

MOTION: I move that we allow the auction of these units on Govdeals.



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: 2023 Budget Amendments #156-168

AGENDA DATE: 09-12-2023

DATE PREPARED: 08-31-2023

PREPARED BY: Jennifer Hallman, Finance Director

AMOUNT: See Exhibit A

GL ACCOUNT #:

FUNDING SOURCE:

BUDGETED ITEM?

PUBLIC HEARING:

PURPOSE: To adopt a resolution amending the 2023 budget

MOTION: I move to adopt a resolution amending the 2023 fiscal year budget pursuant to Section 2-71 of the City Charter.

2022 Douglas SPLOST

Source of Funds: SPLOST

Project Length Budget for 2022 Douglas SPLOST

Item	Account Name	Account Type	Amount
156 324-337120	Douglas County SPLOST	Revenue	Increase 8,064,000
157 324-4210-541410	DSPLOST - Street Improvements	Expense	Increase 2,999,808
158 324-4210-541400	DSPLOST - Infrastructure	Expense	Increase 4,015,872
159 324-3210-542500	DSPLOST - Public Safety	Expense	Increase 1,048,320

New Christmas Décor for Downtown

Source of Funds: Fund Balance

On 08/08/23 Council approved the purchase of Christmas décor with Holiday Designs totaling \$69,371. Also, additional \$13,250 is needed for installation.

Item	Account Name	Account Type	Amount
160 100-381000	Use of Fund Balance	Revenue	Increase 82,621
161 100-9000-611021	Transfer to GF Capital Project	Expense	Increase 69,371
162 350-391100	Transfer In Capital Project Fund	Revenue	Increase 69,371
163 350-7550-541310	Main Street - Capital	Expense	Increase 69,371
164 100-7550-523880	Main Street - Contract Labor	Expense	Increase 13,250

3rd Annual Power Wheel Challenge

Source of Funds: Sponsorships

Amend budget for \$1,800 in sponsorships received for this event

Item	Account Name	Account Type	Amount
165 100-347600	Sponsorships - Recreation	Revenue	Increase 1,800
166 100-6130-523880	Contract Labor/Programs/Events	Expense	Increase 1,800

Recreation Programs & Events

Source of Funds: Recreation Fees

Amend budget for additional revenue received for recreation programs & events

Item	Account Name	Account Type	Amount
167 100-347520	Special Classes	Revenue	Increase 15,000
168 100-6130-523880	Contract Labor/Programs/Events	Expense	Increase 15,000

STATE OF GEORGIA
CITY OF VILLA RICA

A RESOLUTION TO APPROVE AN AMENDMENT TO THE BUDGET
FOR THE FISCAL YEAR 2023 FOR THE CITY
PURSUANT TO SECTION 2-71 OF THE CITY CHARTER

WHEREAS, the Mayor and City Council adopted the 2023 Budget on September 20, 2022, which incorporated all of the various funds of the City; and

WHEREAS, the Mayor and Council have determined it appropriate to amend the budget for the reasons set forth herein; and

WHEREAS, the Mayor and Council have reviewed the proposed budget; and

WHEREAS, each of the funds, as amended, has a balanced budget, such that anticipated revenues equal or exceed proposed expenditures.

NOW, THEREFORE, the Mayor and City Council of the City of Villa Rica, Georgia, hereby resolve as follows:

Section 1. That the City of Villa Rica, Georgia, hereby amends the Budget for Fiscal Year 2023, said budget amendment being described as Amendment No. 156-168, attached hereto, and incorporated as Exhibit A.

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those expectations provided for herein, shall require approval of the City Council.

Section 3. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations, and policies to ensure that this Budget Amendment Resolution is followed.

Section 4. This Resolution shall be effective immediately upon its adoption.

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses, and phrases of this Resolution are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable, and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of same. It is hereby further declared to be the intention of the Mayor

and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of same.

3. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the same and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are expressly repealed.

5. The within resolution shall become effective upon its adoption.

SO RESOLVED AND EFFECTIVE this the _____ day of _____, 2023.

Approved:

Gil McDougal, Mayor

Attest:

Theresa Campbell, City Clerk



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Villa Rica Social Media Policy
AGENDA DATE: September 12, 2023

DATE PREPARED: August 29, 2023
PREPARED BY: Ken Denney, Public Information Officer

AMOUNT: \$0
GL ACCOUNT #: N/A
FUNDING SOURCE: N/A
BUDGETED ITEM? N/A
PUBLIC HEARING: No

PURPOSE: To adopt a formal policy for public interaction on social media platforms used by the City of Villa Rica.

BACKGROUND: The City currently uses several social media platforms, including Facebook, X (formerly known as Twitter), Instagram and LinkedIn. Future platforms may be adopted as they enter the marketplace. Yet there is no encompassing policy for how the City may or may not interact with members of the public who comment on City posts.

The City currently uses a “Terms of Use” guideline on its Facebook page that closely mirrors Facebook’s corporate policy. But the Georgia Municipal Association and our own legal counsel have advised that some proscriptions on commentary in that policy may not comply with current case law and general practices regarding municipalities.

A revised policy was consequently reviewed by a team of attorneys with the First Amendment Clinic of the University of Georgia. Their revision was later reviewed by our counsel, David Mecklin. One part of the final policy is to be adopted into the Personnel Handbook; another part will apply to the public who wish to interact with the City on these platforms.

STAFF RECOMMENDATION: Approval by the City Council

IMPACT: None

MOTION:

I move to approve the attached Social Media policy for all social media platforms maintained by the City.

City of Villa Rica Social Media Policy

The City of Villa Rica engages citizens through digital outlets that include Twitter, Facebook, Instagram, LinkedIn, and YouTube. Communicating with the City through social media enables citizens to contact the City in a direct and meaningful way.

However, please be aware that when engaging with the City of Villa Rica over these platforms, you agree to abide by the Terms of Service (TOS) agreements of the private companies that operate those outlets. Villa Rica maintains no contractual or business relationship with those independent agencies.

In addition to those TOS, the City has adopted the following policies regarding public interaction with its social media sites. This policy applies to all social media policy accounts associated with the City of Villa Rica.

In general, be courteous, respectful, and relevant. Remember that your comments may be read by persons of any age and are subject to the Georgia Open Records Act.

The City monitors all social media platforms and reserves the right to delete any comment that:

- Contains obscene language (as defined by the FCC)
- Is off topic to the city's post
- Contains links to fraudulent, pornographic, or copyright infringing external websites
- Incites illegal activity, threatens any individual with physical harm, or disparages any race or ethnicity
- Contains information that could violate the privacy and safety of others, including identifying information such as email addresses, not-publicly-known physical addresses or places of employment, or medical information.

If the City deletes any comment, it will provide the user with notice of the deletion via direct message. The notice will specify the standard from the above list that the comment violated. Those whose comments violate these standards more than 3 times could be temporarily restricted from commenting on the platform where the violations occurred. Those whose comments violate these standards more than 6 times could be permanently restricted from commenting on the platform where the violations occurred. The City will provide notice to users who are subject to

temporary or permanent restriction on their ability to comment, which will specify the duration of the restriction and a process to dispute the restriction.

Users who violate the above standards will **not** be blocked from viewing, liking, or sharing the City's posts on any platform.

Content posted to a City-owned and maintained social media site thereafter becomes property of the City. This includes all original wording and all posted images that come by way of a Smartphone, etc. However, photography or wording that has any prior and/or documented copyright or ownership will be removed.

We recognize that the internet and social media are available 24 x 7. Comments are welcome any time. However, due to the need to manage resources, questions and comments will typically be responded to during normal business hours: Monday – Friday, 8 a.m. to 5 p.m.

Questions or concerns regarding the City of Villa Rica's social media activity or the social media policy should be submitted online to communications@villarica.gov .



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Design of Punkintown Road Rebuild

AGENDA DATE: September 12, 2023

DATE PREPARED: September 3, 2023

PREPARED BY: Tom Barber

AMOUNT: \$257,500

GL ACCOUNT #: 321-4210-541410

FUNDING SOURCE: Carroll SPLOST

BUDGETED ITEM? Yes

PURPOSE: To approve a proposal from Falcon Design to engineer the reconstruction of Punkintown Road from the intersection at Shoreline Parkway to just beyond the entrance to Town Creek, including the intersection with Old Stone Road.

BACKGROUND: Punkintown Road needs to be rebuilt with curb and gutter and a new travel surface. Falcon Design has proposed to provide the engineering needed for this project.

STAFF RECOMMENDATION: Staff recommends approval.

IMPACT: Approving the proposal to design the Punkintown Road rebuild will enable us to improve one of the most important arteries in the City.

MOTION: I move to authorize the Mayor to accept an engineering proposal from Falcon Design Consultants for the Punkintown Road rebuild for an amount not to exceed \$257,500, and to sign any documents required to execute this professional services agreement.



August 29, 2023

Mr. Tom Barber
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30181

RE: Punkintown Road Improvements and Roundabout, Carroll County, Georgia

Dear Mr. Barber:

Falcon Design Consultants is pleased to submit this proposal for your consideration for the referenced project. The scope of work for this project will contain the following:

Project Scope & Fees

Based on the concept plan provided by the City of Villa Rica, FDC will design a roundabout with curb and gutter, along with sidewalks and crosswalks medians, and approximately 2,500 ft of roadway beginning at the future roundabout at Towne Creek Drive southbound to the entrance at the future Fuqua Development along Punkintown Road.

Task – A. Survey Database Preparation

- Locate detailed information along existing Punkintown Road.
- Combination of Lidar flight data and 2-man field crew to produce 2' contours.
- Locate R/W and property lines.
- Field locate all utilities.

Task – B. Underground Utility Locate

- Physical Markings - Paint and/or flags will be placed on the ground directly above all traceable underground utilities within the specified area. Each utility will be marked with a specific color. Underground utilities will be located utilizing radio frequency techniques. This technique is capable of locating metallic utilities and other utilities with tracer wires. Non-metallic utilities and utilities without tracer wires will not be physically marked on the ground. Utilities not located utilizing this technique may exist, but not be marked, and may be disturbed upon excavation. Also, we will not locate underground storage tanks, irrigation systems, traffic control wires and/or cables, as well as sewer and storm drain lines.
- Site Sketch - A detailed sketch of the subject site will be provided in electronic format. Said sketch will detail the approximate locations of all underground utilities, along with the size and type of water and gas lines. This sketch may be added to an existing drawing of the site, or to an aerial photograph of the site.

Notes will be placed on the sketch indicating possible existence of underground utilities and improvements that were not marked on the ground.

- Utility Owner Information - The owner of each respective utility affecting the subject site will be determined and documented, including names, addresses, and phone numbers. The sources of this information will be from the "One-CALL Design or Dig Ticket" and other sources as may be required. This information will be assimilated and delivered electronically in a .pdf format. Any other types of information, such as maps or other documents, will be delivered in .pdf format, as well.
- Limitations – UtiliSurvey, LLC and FDC will expend reasonable efforts to determine the actual location of all existing underground utilities within the project area. It is expressly understood by all parties that utilities may exist within the subject area, but not be marked or located, especially if no above ground evidence of the utility exists. We locate underground utilities solely as an accommodation and our markings/locates shall not be used for excavation. We accept no liability for ANY underground utilities that are not located or marked by us.
- Stake easements and r/w for acquisition.

Task-C. Wetland/Stream Delineation:

- Delineation of Aquatic Resources. We would also identify streams and others waters that would be considered waters of the State where the GAEPD would regulate 25-foot stream buffers.
- Issue a detailed report.
- Work to be performed by Nelson Environmental.

Task – D. Construction Drawings & Technical Specifications

- CONCEPTUAL DESIGN

The Consultant shall prepare design plans at 1:50 for approval by the City. After review by the City, the Consultant shall make any and all revisions to the concept and resubmit to the City for approval.

Concept plans shall include, but are not limited to, proposed layout, centerline alignment with radii shown, edges of pavement, proposed profile grade, property lines, property owners, existing and proposed rights-of-way, street names, major drainage structures, land lot lines, north arrow and legend.

- PRELIMINARY PLAN

Once the Horizontal and vertical geometrics have been defined and approved by the County, the Consultant shall submit two (2) sets that show the proposed plan view, profiles, typical sections, cross sections, proposed right-of-way, proposed easements, and proposed drainage including computations, for City review.

The Consultant shall address any changes or comments as required by the City and incorporate them into the final plans.

- **FINAL CONSTRUCTION PLAN**

The Consultant shall prepare and submit to the City for approval, roadway construction plans based on the approved preliminary plan that will include the following:

General Notes, Typical Section, Summary of Quantities (GDOT Format), Detailed Estimate, Traffic Assignments, Plan and Profile of Mainline Sheets (1:50 scale), Plan and Profile of Side Streets (1:50 scale), Driveway Profiles, Drainage Profiles, Staging and Detour Plan, Utility Plans, Signing and Marking Plans and Details, Traffic Signal Plans and Details, if required, Cross Sections – Earth work plotted at 50 foot interval scale 1"=10' vertical and horizontal, GDOT Standards, and Construction Details.

Construction plans shall, at a minimum, include the following:

- Survey Centerline
- Construction Centerline (bearings, road name)
- Begin/End Construction
- Existing R/W
- Required R/W with Station and offsets at the breaks
- Construction Limits
- Easements
- Property Lines/Owner's Names
- North Arrow/Graphic Scale
- Stationing
- Water Line/Utility Plans
- Landscaping Plan
- Summary of Quantities

Note: An engineers estimate of probable cost will be produced based on the final summary of quantities.

Task – E. Stormwater Management Report (If required)

- Water Quality/Quantity analysis of new roundabout.
- Full report with hydrographs and maps.

Task – F. Utility Coordination

- Preliminary drawings will be forwarded by FDC to utility companies for marking utility locations and plan preparation.
- FDC will incorporate any changes from utility companies in final plans.

Task – G. Right of Way Plats

- FDC will prepare ROW/Easement Plats for City to obtain necessary property for construction.
- Legal Descriptions will be produced for each plat/easement.
- Estimated 22 parcels adjoin the improvements.

Fee Estimate

The budget below includes staff time and expenses necessary to perform the scope of work outlined above. This budget is for the scope of work referenced above.

Design Services:

<u>Auraria Rd/SR 9 @ Burnt Stand Rd Roundabout</u>	<u>Estimated</u>
<u>Budget</u>	
A. Survey Database Preparation:	\$35,000.00
B. Underground Utility Locate	\$5,500.00
C. Wetland/Stream Delineation Report	\$3,000.00
D. Construction Drawings & Technical Specifications:	\$150,000.00
E. Stormwater Management Report (If Required):	\$18,000.00
F. Utility Coordination:	\$10,000.00
G. Right of Way Plats:	\$11,000.00
Total:	\$232,500.00

Reimbursable Expenses:

In addition to the Professional Fees described above, we will invoice for Reimbursable Expenses. This is usually referred to "Out-of-Pocket" expenses. The following items will be considered Reimbursable Expenses:

- Blue Printing – Reproduction of Drawings or Documents
- U.S. Mail Messenger, Messenger and Overnight Delivery Services

Additional Services

Only those services specifically described above, are included within the scope of this proposal. Additional Services are further explained in each consultant's contract and shall be made a part of the Standard Agreement between Owner and Design Firm. Examples of Additional Services, which may be required as the project develops, includes but is not limited to the following:

- Modifications to previously approved work "Change of Scope"
- Submittal Fees (Review/Recording)
- Wall Design
- Irrigation Design
- Lighting Design
- Environmental Permitting

All work will be performed in accordance with the Contract Conditions.

Contract Conditions

If, during the course of work, the Client finds it necessary to terminate the work, the work will stop by the Consultant upon written notification from the Client. The Client will pay for the services and expenses incurred to the point of termination based on the Consultant's estimate of the percentage of work complete.

Invoices for work completed will be submitted at the beginning of each month for work performed the previous month. All invoices are net due in 30 days. In the event that an invoice is not paid within 30 days the Consultant reserves the right to stop work after notifying the client in writing, until such outstanding invoices are paid in full.

The Consultant reserves the right to terminate or suspend all work for the Client with verbal or written notice if unpaid undisputed invoices are greater than 30 days past due.

Additional services, which are not included in this task order as defined by the scope of work, will be treated as extra work. The Owner will be given notice of any additional services requested by the Owner's Staff to complete the project. All additional services provided by the Consultant directly will be paid based upon the hourly rate schedule attached to this agreement without additional contract modifications. The Owner must approve additional Subcontractor/Subconsultant work in writing before the work is begun.

It is agreed that the Consultant's professional services do not extend to or include the review or site observation of the Construction Contractor's work or performance. To the extent allowed by law, it is further agreed that the Client will defend, indemnify, and hold harmless the Consultant from any claim or suit whatsoever, including but not limited to all payments and expenses, including all attorney fees and costs of defense or other costs involved arising from or alleged to have arisen from the Contractor's performance or the failure of the Contractor's work to conform to the design intent and the Contract Documents. The Consultant agrees to be responsible for the negligent acts, error or omissions of the Consultant's own employees. The Client agrees that the liability of Falcon Design Consultants, LLC resulting from any negligent acts, errors and/or omissions of Falcon Design Consultants, LLC is limited to the total fees actually paid by the Client to Falcon Design Consultants, LLC for services rendered.

While all work will be performed with professional care, the Consultant cannot guarantee the actions of government officials and agencies to grant the desired approvals.

This agreement shall be null and void if not executed within 60 days from the date of preparation unless otherwise indicated by the Consultant.

If you are in agreement with the terms of this proposal, please execute the agreement by signing below and returning one copy for our files.

Sincerely,
Falcon Design Consultants, LLC



Adam L. Price, P.E.
Managing Partner



John Palmer
President

Accepted and Agreed:

Signature

Title

Date



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Survey for Shoreline Lift Station Force Main

AGENDA DATE: September 12, 2023

DATE PREPARED: September 3, 2023

PREPARED BY: Tom Barber

AMOUNT: \$30,300

GL ACCOUNT #: 505-4115-541400

FUNDING SOURCE: Water & Sewer Fund

BUDGETED ITEM? Yes

PURPOSE: To approve a proposal to survey the route for a new force main from a relocated Shoreline lift station to the Cleghorn lift station.

BACKGROUND: The North sewer plant is operating at about 80% of capacity and cannot be cost-effectively upgraded. To handle the increase in flow from upcoming residential developments we need to divert the flow currently being generated on the north side of the lake to the West Plant via the Cleghorn lift station. In addition, the current Shoreline lift station is too small, poorly located, and needs to be rebuilt across the street from the current location.

STAFF RECOMMENDATION: Staff recommends approval.

IMPACT: Approving the proposal to survey will allow us to begin the process of easement acquisition along the force main's route to the Cleghorn lift station.

MOTION: I move to authorize the City Manager to direct Brennan Jones to oversee the required survey for the new Shoreline force main for an amount not to exceed \$30,300.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Improvements to Road Surface on Mirror Lake Dam

AGENDA DATE: September 12, 2023

DATE PREPARED: September 5, 2023

PREPARED BY: Tom Barber

AMOUNT: \$12,125.00

GL ACCOUNT #: 322-4210-541410

FUNDING SOURCE: Douglas SPLOST

BUDGETED ITEM? YES

PURPOSE: To approve a proposal to make drainage improvements to the road surface along the top of the Mirror Lake Dam.

BACKGROUND: Rain water is pooling on the Mirror Lake Parkway on top of the dam and is creating a safety hazard. HRN Construction has proposed to make the necessary improvements for an amount not to exceed \$12,125. Bobby Elliott will be overseeing the work.

STAFF RECOMMENDATION: Staff recommends approval.

IMPACT: When water pools on one lane of the Parkway, traffic is forced to drive in the oncoming lane. This improvement will resolve that issue.

MOTION: I move to authorize the City Manager to accept a proposal from HNC Construction to repair the drainage issue on the road surface of the Mirror Lake dam for an amount not to exceed \$12,125.00.

HNC Construction LLC.
P O Box 654
Villa Rica, GA 30180 US
(404) 719-8372
hncconstructionco@gmail.com



ADDRESS

Bobby Elliott and Co. LLC
Mirror Lake Dam Area

ESTIMATE # 1290

DATE 08/14/2023

Grading Grading and removal of existing dirt / grass. Adjust grade to create positive drainage. Fine grade. Includes hauling. LS	1	2,500.00	2,500.00
Sod Installation Common bermuda installed. 250' x 35'. SF	8,750	1.10	9,625.00
Additional Notes Estimate excludes surveying, permitting and erosion control measures. Estimate excludes watering of grass.	1	0.00	0.00

TOTAL

\$12,125.00

Accepted By

Accepted Date

CITY COUNCIL
GIL MCDOUGAL, MAYOR
LESLIE MCPHERSON, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street May 23, 2023 | 5:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Mayor Pro Tem Leslie McPherson, Councilwoman Shirley Marchman (by phone), Councilman Matthew Momtahan, Councilwoman Anna McCoy (by phone) and Councilman Danny Carter.

Adoption of Agenda:

Councilman Danny Carter moved to adopt the agenda.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

A. Governing Body (Mayor Gil McDougal)

1. Zoning Ordinance Modification due to recent TAD Intergovernmental Agreement Adoption

Councilman Danny Carter moved to approve the attached resolution enacting a moratorium on the acceptance of any applications relating to the licensing, zoning for, variances for, building of, expansion of, or development of residential development in the City south of I-20 and multi-family or high density residential development anywhere within the City as well as any requests for annexation to the City south of I-20 until 12:00 noon on September 15, 2023 unless shortened by official action of the Mayor and Council.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

B. Finance (Jennifer Hallman, Director)

1. Approval of a resolution to execute the loan agreement with Georgia Environmental Finance Authority (GEFA) for \$1,707,900 for the West Plant Pump Station Screen Addition

Councilman Danny Carter moved to approve the resolution allowing the Mayor to execute the agreement for Loan No. CW2023008 with the Georgia Environmental Finance Authority.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

C. Police: (Chief Michael Mansour)

1. School Zone Speed Camera Contract with Blue Line Solutions at Villa Rica Elementary and Villa Rica High Schools

Councilman Danny Carter moved to allow the Mayor to enter into an agreement with Blue Line Solutions, LLC for the implementation and administration of speed enforcement cameras within select school zones within Villa Rica.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

D. Public Comment: (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

Citizen Michael Young requested to know when the citizens of Villa Rica will be able to see the Intergovernmental Agreement with the School Board for the TAD

E: Adjournment: Councilman Danny Carter moved to adjourn the meeting. Councilwoman Leslie McPherson seconded. The vote was unanimous. Mayor Gil McDougal adjourned the meeting.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL:
GIL MCDUGAL, MAYOR
LESLIE MCPHERSON, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN ANNA
MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER CITY
CLERK: THERESA CAMPBELL CITY
ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

CITY COUNCIL MEETING MINUTES

Holt-Bishop Justice Center, 101 Main Street
Tuesday, July 11, 2023 | 6:00 pm

Meeting Call to Order (Mayor Gil McDougal)

Mayor Gil McDougal called the meeting to order at 6 pm.

Present: Mayor Gil McDougal, Mayor Pro Tem Leslie McPherson (by phone), Councilwoman Shirley Marchman, Councilman Matthew Momtahan, Councilwoman Anna McCoy, and Councilman Danny Carter.

Invocation was led by Tanner Locke, Student Pastor Westhills Church

Pledge of Allegiance was led by Ofc. Steven Ellinas

Adoption of the Agenda (Mayor Gil McDougal)

Councilman Danny Carter moved to adopt the agenda as amended to include a limited Public Hearing for item RA-01-23 allowing 15 minutes to each side and adding item B10 – Final Plat for Rivershire Place Phase 1.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

- Shirley Hillsman, concerned with the protesting sale of her land for road improvement.
- Aaron Bober, angry over Punkintown Road development.
- Alan Whitley, thanked Mayor and Council for service and acknowledged that Punkintown Road needs to be fixed but that any growth should be ‘smart growth.’
- Pamela White, is concerned about the timeline of Darden Street and citizen relocation.
- Ryan Clark, concerned about rezoning of agricultural land as residential and commercial.
- Peg Taylor, concerned about Punkintown Road development.
- Walter Hyna, concerned about Punkintown Road development.
- Mike Leahy, worried about more traffic on Punkintown Road.
- Tammy Jefferson, worried about a new road effecting her family’s home on Darden Street as well as changing the cultural landscape of the neighborhood.
- Polly Oliver, does not want Punkintown Road to be turned into another Barrett Parkway and controlling truck traffic.

- Marshall Smith, thinks increased density will just create more infrastructure problems.
- Greg Roberts, wants Council to pay attention to what is said by citizens about Punkintown Road.
- Cheryl Bell, wants to bring attention to the success of the library and Dr. Rachel Linn. She would also like for there to be a PA system for the library.
- Day Foster, concerned that improvements are outpricing the current citizens on Darden Street.
- Janet Heillman, wants a moratorium on new development and is against RA-01-23.
- Danida Pritchett, doesn't want family land on Darden Street taken for a road.
- Dee Thompson, her family lives at 392 Darden Street and she wants it maintained.
- Lewis Powell, doesn't want Darden Street to have a road through it.
- Renee McLeod, concerned with uncontrolled growth versus controlled growth.
- Dr. Reginald Eppinger, against a road through Darden Street.
- Mantressa Walker, lives in Liberty Pointe subdivision and received a letter from the developer stating that the HOA is responsible for improvements.
- _____ Cosby, family home is on Darden Street.
- Tamika Boykin, spoke on behalf of Darden Street requesting whatever happens to affect the fewest people.
- Tracy Evans, worries that low income families will be effected and will not be able to afford to replace their homes.
- Terry Sinkfield, against Darden Street road.
- _____, concerned with the way the meeting on 07/6/2023 went and requests transparency in the future.

Council Updates (Subjects of General Interest and Concern)

- Councilwoman Shirley Marchman spoke to the purpose of the meeting on 7/6/2023 and promised she would not vote for a plan that the Darden Street Community is not in favor of.
- Councilwoman Anna McCoy spoke to each person against Punkintown Road improvements and asked if the current state of the road was acceptable.
- Councilman Matthew Momtahan thanked the Fire Department and First Responders who worked the Georgia Arms fire and averted a larger disaster.

Consent Agenda (Mayor Gil McDougal)

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items were discussed at the Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. Qualifying for November 2023 Election
2. Adoption of PILOT (Payment in Lieu of Taxes) Agreement related to Walton Communities Project with Villa Rica Housing Authority
3. Abandonment and Transfer of Walnut Drive to Villa Rica Housing Authority
4. Settlement of Opioid Litigation with Publix Corporation
5. Approval of Intergovernmental Agreement with Carroll County for the Eastside TAD
6. Sequoia Golf Mirror Lake LLC d/b/a Mirror Lake Golf Club, Alcohol License Permit Agent Change Request
7. Structural Inspection of 315 Main Street, Villa Rica, GA 30180
8. Appointment of Barbara Daniel and Michael Rickman to Downtown Development Authority
9. Reappointment of Michael Young to the Downtown Development Authority
10. Approve Workers Compensation Renewal
11. July is Parks and Recreation Month

12. Recreation Advisory Commission Appointment
13. Purchase of two FLOCK cameras
14. Grant for 5 FLOCK Cameras
15. Police K9
16. West Plant Control Module Replacement
17. Resurfacing Two GDOT Park 'n Ride Lots
18. Improvements to Intersection of Punkintown Road and Shoreline Parkway
19. Proposal to Engage Falcon to Re-Design the Intersection of MirrorLake Connector and Cleghorn Street
20. Ratification of Proposal from HRC to Modify the ADA Ramp at the Courthouse
21. Ratification of Engagement with Reedwick for Temporary Traffic Light
22. To Ratify an Agreement with Falcon Design for a Cultural Resource Survey
23. Design Sidewalk on West Montgomery

Councilman Danny Carter moved to approve the Consent Agenda.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

A. Governing Body (Mayor Gil McDougal)

1. Approval of Minutes from April 11, 2023 City Council Meeting
2. Approval of Minutes from May 9, 2023

Councilman Matthew Momtahan moved to table the April 11, 2023 and May 9, 2023 Council Meeting Minutes.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

3. Approval of Minutes from May 12, 2023 Special Called Council Meeting

Councilwoman Shirley Marchman moved to approve the May 12, 2023 Special Called Council Meeting Minutes.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

4. Second Reading Home Rule Ordinance Providing for Board and Commission Terms (C. David Mecklin, City Attorney)

Councilman Danny Carter moved to approve the Ordinance Providing for Boards and Commission Terms.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman

SECONDER: Matthew Momtahan, Councilman
AYES: McPherson, Marchman, Momtahan, McCoy, Carter

B. Community Development (Tracy Jarvis, Director)

1. Glory Business LLC d/b/a Smile Food Mart, Alcohol License Permit Request and Public Hearing - Nyree Simpson, Licensing Specialist

No one came forward for Public Hearing

Councilman Danny Carter moved to approve the request for issuance of an Alcohol License Permit to Glory Business, LLC d/b/a Smile Food Mart.

RESULT: **APPROVED**
MOVER: Danny Carter, Councilman
SECONDER: Anna McCoy, Councilwoman
AYES: McPherson, Momtahan, McCoy, Carter
NAYS: Marchman

2. RA-01-23 - Punkintown Road at Highway 61 - Rezoning from AG to C2 and SFA (Ron Johnson, Planning & Zoning Administrator)

City Attorney David Mecklin stated that the Public Hearing requirement had been met in the May 9, 2023 City Council Meeting when the item was Tabled. Mr. Mecklin further advised that the item would need to be brought off the Table through a Motion and that Council had agreed during the earlier Work Session to allow 15 minutes to supporters and 15 minutes to those opposed to speak on the item.

Councilman Danny Carter moved to bring item RA-01-23 from the Table to be discussed in this meeting.

RESULT: **APPROVED**
MOVER: Danny Carter, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: McPherson, Marchman, Momtahan, McCoy, Carter

Applicant, Howard Ray, presented for the supporters of this item.

Aaron Bober, Dennis Ingle, Lois Ina, Breezy Preston, Walter Heinert, Janice Parkinson, Rusty Dean, Ryan Clark all spoke against the item.

Councilman Danny Carter moved to approve the rezoning request from Arpit Realty, LLC for a rezoning from AG to C1 and SFA with conditions as outlined by staff and amended by Councilman Matthew Momtahan:

1. Receipt of a favorable sewer and water capacity letter from the city's Utilities Department guaranteeing availability to service all lots within the proposed development within sixty (60) days. This letter must be on file with the city's Community Development Department upon receipt.
2. The developer shall submit a survey or subdivision plan based on the recompiled proposed lot boundaries.
3. The Applicant/Developer/Owner agrees to construct a minimum of four elevations, and a minimum of 15% of each elevation shall be constructed of masonry within the residential portion of the development.

4. The Applicant/Developer/Owner agrees to install sidewalks on both sides of internal streets and along the frontage of Towne Creek Drive, Punkintown Road and Dallas Highway.
5. The Applicant/Developer/Owner acknowledges that water and sewer availability is not expressly implied as a result of zoning.
6. The Applicant/Developer/Owner agrees and acknowledges that all conditions or stipulations of re-zoning shall bind Applicant/Developer/Owner's successors and assigns.
7. The Applicant/Developer/Owner agrees to build and/or install all internal roadways and parking aisles to standards that would accommodate emergency access vehicles.
8. The Applicant/Developer/Owner and all successors and assigns will be required to develop the parcels as follows:
 - a. Construction of a realigned Punkintown Road without a traffic circle from the northern bypass to the existing Punkintown Road ROW, including a golf cart path on the east side of the road. The city will not reimburse the applicant or any future owners of the site.
 - b. No property is to be set aside for a county fire station, as it will no longer be required.
9. The community shall be an age-restricted community in compliance with the Housing for Older Persons Act of 1995 ("HOPA"). The deed restriction must be filed within 30 days of the final plat approval.
10. All site plans, proposed elevations, concept plans and representations made before the City Council pertaining to the SFA zoned portion of the property shall be entered into the legal record.
11. No playgrounds should be in the amenities area.
12. A minimum of 1 traffic calming procedure shall be included in the main entranceway.

RESULT:	ADOPTED
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Marchman, Momtahan, Carter
NAYS:	McPherson
ABSTAINED:	McCoy

3. RA-02-23 - Rockmart Road at Lake Paradise Road - Rezoning from I2 to C1 and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

No one came forward for public hearing.

Councilman Danny Carter moved to approve the requested rezoning request from Arpit Realty, LLC for a rezoning from I2 to C1 with Conditions as outlined by staff:

1. The applicant shall agree that zoning approval is not an implied consent to receiving a liquor license or that the applicant has won the city lottery for a license. Should the applicant not be the presumptive licensee for this district, the applicant may construct permitted uses within the C1 zone subject to meeting all applicable development standards within the zoning ordinance.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

4. VA-03-23 - 113 Conners Road - Two Variances from *Table 4.4 - Development Standards* and *Section 8.02(2)(j)(1) Off-Street Motor Vehicle Parking and Loading Areas* and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

No one came forward for Public Hearing.

Councilwoman Leslie McPherson moved to approve the requested two variances from Section 8.02(2)(jj)(1) and Off-Street Motor Vehicle Parking and Loading Areas by Brandon Greba as presented.

No second to the motion.

Councilman Danny Carter moved to deny the request for the three variances from Section 8.02(2)(j)(1), from Table 4.4 to reduce the required 10' building separation to 4' and from Table 4.4 to reduce the required 15' rear yard setback to 5.5' by Brandon Greba as presented.

RESULT:	DENIAL
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Marchman, Momtahan, McCoy, Carter
NAYS:	McPherson

Councilwoman Leslie McPherson had to leave the meeting due to phone connection.

5. RA-06-22 - 1739 Carrollton-Villa Rica Highway - Rezoning from AG to SFA and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

No one came forward for Public Hearing.

Councilman Matthew Momtahan moved to approve the rezoning request from Highlands Residential, LLC for a rezoning from AG to SFA with conditions as presented by staff with additional condition the applicant/owner/developer agrees and acknowledges that sewer availability is not implied our rezoning and septic system would be the responsibility of applicant/owner/developer.

Conditions:

1. The community shall be an age-restricted community in compliance with the Housing for Older Persons Act of 1995 ("HOPA"). The deed restriction must be filed within 30 days of the final plat approval.
2. The application package shall be entered into the legal record in addition to any and all proposed elevations, site plans, concept plans and other representations made before the City Council.
3. The Applicant/Developer/Owner agrees and acknowledges that all conditions or stipulations of re-zoning shall bind Applicant/Developer/Owner's successors and assigns.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Anna McCoy, Councilwoman
AYES:	Marchman, Momtahan, McCoy, Carter

6. CU-01-23 - W. Industrial Court at Highway 101 - Special Exception Permit to Operate a Truck and Trailer Parking Facility and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

David Schoerner and Marshall Phipps spoke to support the request for Special Exception Permit, Janet Heilman wanted clarity on what the use of the lot and if it only included Trailers or if it included RVs.

Councilman Matthew Momtahan moved to deny the Special Exception Use Permit for a public or private parking lot (as a primary use) at the above-cited location.

RESULT:	DENIAL
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Danny Carter, Councilman
AYES:	Momtahan, McCoy, Carter
NAYS:	Marchman

7. RA-03-23 - East Wilson Street - Rezoning from CMU to R2 and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

No one came forward for Public Hearing.

Councilman Danny Carter moved to approve the rezoning request from Marlon and Tasha Wells for a rezoning from CMU to R2, as presented.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Marchman, Momtahan, McCoy, Carter

8. VA-05-23 - 384 Mirror Lake Boulevard - Variance to Reduce Side Yard Setback and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

No one came forward for Public Hearing.

Councilman Matthew Momtahan moved to approve the requested variance from *Table 4.5 Nonresidential Design Standards* by Fuqua BCDC Villa Rica Project Owner, LLC for a reduced side yard setback of 10' as presented.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Danny Carter, Councilman
AYES:	Marchman, Momtahan, McCoy, Carter

9. ALT-01-22 - Liberty Pointe Subdivision - Alteration to PUD and Adoption of a new Concept Plan and Public Hearing (Ron Johnson, Planning & Zoning Administrator)

Patonya Brogden, Jazmine (last name not given), Tiara Jackson, Phyllis Stuart, Robin Futsy all spoke against the item.

Councilman Matthew Momtahan move to approve the PUD alteration request from Liberty Pointe Homes, LLC with conditions as outlined by staff.

Conditions:

1. The alteration shall be binding upon a fully executed, revised Development Agreement that is to be submitted along with the Final Plat application. The attached Master Plan document shall regulate the conclusion of the development.

RESULT:	APPROVAL
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Danny Carter, Councilman
AYES:	Momtahan, Carter, Mayor McDougal (due to tie)
NAYS:	Marchman, McCoy

10. Final Plat for Rivershire Place Phase 1 (Tom Barber, City Manager)

Councilman Danny Carter moved to approve the Final Plat for Rivershire Place Phase 1.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Anna McCoy, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

C. City Manager (Tom Barber)

1. Resolution to Authorize the Bond Attorney to Proceed with the Issuance of Revenue Bonds

Councilman Matthew Momtahan moved to adopt the resolution and authorize the Mayor and City Clerk to execute the documents as needed.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

Adjournment (Mayor Gil McDougal)

Councilman Matthew Momtahan moved to adjourn the meeting and was seconded by Councilwoman Shirley Marchman and the vote was unanimous. Mayor Gil McDougal adjourned the meeting.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL:
GIL MCDOUGAL, MAYOR
LESLIE MCPHERSON, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER CITY
CLERK: THERESA CAMPBELL CITY
ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

CITY COUNCIL MEETING MINUTES

Holt-Bishop Justice Center, 101 Main Street
Tuesday, August 8, 2023, | 6:00 pm

Meeting Call to Order (Mayor Gil McDougal)

Mayor Gil McDougal called the meeting to order at 6 pm.

Present: Mayor Gil McDougal, Mayor Pro Tem Leslie McPherson, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, Councilwoman Anna McCoy, and Councilman Danny Carter.

Invocation was led by Elder Frank Hudson,

Pledge of Allegiance was led by Ofc. Davion Bugg

Ceremonial Presentations (Mayor & Council)

- Recognition of Dorothy Worthan for retirement after 17 years with the Senior Center
- Recognition of Christopher Rowan for 10 Years of Service with Villa Rica Police Department
- Recognition of William Walton for 5 Years of Service with Villa Rica Police Department
- Recognition of Shane Shepherd for 5 Years of Service with Villa Rica Police Department

Mayor Gil McDougal invited Chief Michael Mansour to speak about a fundraiser for Sgt. Michelle Moore Landrum and the upcoming Citizens Police Academy.

Adoption of the Agenda (Mayor Gil McDougal)

Councilman Danny Carter moved to adopt the agenda as amended to include item A3, the Reconsideration of VA-03-23 113 Conners Road

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

- Sharon Gianuzzi, offered a 300 signature petition to request more pickleball courts.
- Sonia Tompia, was concerned about the increase in grave plot costs.
- Gordan Van Dyke, spoke about pickleball courts costing around \$25,000 each and he would like 16 new courts.
- Rhonda McCullers, offered her appreciation for the hard work the employees and volunteers put in for the concert that was held on August 5, 2023
- Robert Flahey, Art Ida and Boo Defrenza, want more pickleball courts and are thankful to Lisa Deming and Traci Ivey

Council Updates (Subjects of General Interest and Concern)

- Mayor Gil McDougal spoke about events happening in the city, specifically, John Pruitt speaking at V-Plex on August 9, 2023, thanking Main Street for the concert that was held on August 5, 2023, Goldrush Festival on September 8th and 9th, August 19th the Goldrush Pageant, Council working on the budget, a retreat happening on August 31st dealing with Master Plan for Parks and Recreation, Rebranding of the city, salary study and other long range plans.
- Councilwoman Leslie McPherson spoke on the Citizen's Police Academy and how she made the commitment, and it is worthwhile. She has enjoyed her time as Councilwoman in Ward 3, and has decided to step down from her post and announced her intention to run for Mayor in 2024.

Consent Agenda (Mayor Gil McDougal)

The Consent Agenda is a single item that encompasses all things the City Council would normally approve with little comment. Each of these items were discussed at the Council Work Session, and it was the unanimous consensus of the Governing Body to place the following items on the Consent Agenda.

1. FY24 Medical and Ancillary Insurance Renewal
2. FY24 Insurance Premium Rates
3. Temporary Placement of Signage for the Rodeo Organized by Clint Chance
4. Employee Training Implicit Bias
5. Cost for Lighting along Mirror Lake Blvd., Pathway
6. Revision of Code Ordinance- Villa Rica Fats, Oils and Grease Policy
7. Temporary Signage for Fund Raiser Sponsored by the Villa Rica Lion's Club and Golden City Lion's Club
8. Final Plat Approval for Conners Landing
9. Final Plat Approval for Charleston Place Phase III
10. New Christmas Décor for Downtown
11. Three Rivers Commission Area on Aging Contract for Services Fiscal Year 2024
12. Purchase of Four Ford Utility Interceptor Explorers at State Contract Pricing
13. Tree Removal & Stump Grinding in Berkley & Reid Plantation Subdivisions & Conners Road Path
14. Scheduling of City-Wide Cleanup for October 9 through October 20, 2023 (Two Full Weeks)
15. Conners Road Park Engineering by Falcon Design
16. Approval of Placer.ai Marketing Development Tool
17. Design of South Street Improvements with Georgia & West
18. Development of Carroll County Incentives Policy
19. Disclosure Notification by Stephens for Urban Redevelopment Agency Bonds

Councilman Danny Carter moved to approve the Consent Agenda.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

A. Governing Body (Mayor Gil McDougal)

1. Approval of Minutes from April 11, 2023, City Council Meeting

Councilwoman Shirley Marchman moved to approve the April 11, 2023, Council Meeting Minutes

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

2. Approval of Minutes from May 9, 2023

Councilwoman Shirley Marchman moved to approve the May 9, 2023, Meeting Minutes

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Anna McCoy, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

3. Reconsideration of VA-03-23 113 Connors Road, West GA Georgia Cornhole

Councilman Danny Carter moved to reconsider VA-03-23

Motion died for lack of a second.

B. Community Development (Tracy Jarvis, Director)

1. Amendment to Section 2.02 and 11.05 of the Villa Rica Zoning Ordinance in order to establish the Joint City/School Board Committee and Public Hearing (Ron Johnson, Planning and Zoning Administrator)

No one came forward for Public Hearing

Councilman Danny Carter moved to approve the request to approve an Amendment to Section 2.02 of the Villa Rica Zoning Ordinance as attached hereto.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

Councilman Danny Carter moved to approve the proposed Amendment to Section 11.05 of the Villa Rica Zoning Ordinance as attached hereto.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

2. VA-06-23 – 395 W. Bankhead Highway- Variance to Reduce the Number of Required Drive Thru Queuing Spaces and Public Hearing. (Ronald Johnson, Planning and Zoning Administrator)

No one came forward for public hearing.

Councilwoman Leslie McPherson moved to approve the requested variance with the condition of having no drive thru ordering speaker or Menu Board to order from.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

3. VA-04-23 924 Carrollton Villa Rica Highway- Variance to Permit Gravel Parking and Public Hearing. (Ronald Johnson, Planning and Zoning Administrator)

No one came forward for public hearing.

Councilwoman Leslie McPherson moved to approve the requested variance to Permit Gravel Parking with the conditions an annual variance request would be necessary.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

4. Amendment to Section 8.27 *Liquor Stores, Package Stores and Liquor Outlets* of the Villa Rica Zoning Ordinance and Public Hearing. (Ronald Johnson, Planning and Zoning Administrator)

No one came for Public Hearing.

1. Councilman Danny Carter moved to approve the proposed amendment to 8.27 *Liquor Stores* of the City of Villa Rica Zoning Ordinance as attached hereto.

RESULT:	ADOPTED
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Momtahan, McCoy, Carter
NAYES:	Marchman

C. Finance (Jennifer Hallman, Finance Director)

1. Finance Director, Jennifer Hallman presented Financial Update for June of 2023.
2. Prerequisite Resolution to Exercise Urban Redevelopment Powers (C. David Mecklin, Attorney)

Councilman Danny Carter moved to adopt the resolution and authorize the Mayor and City Clerk to execute the documents as needed.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

3. Redevelopment Plan Amendment and Public Hearing (C. David Mecklin, Attorney)

No one came forward for Public Hearing.

Councilman Danny Carter moved to adopt the resolution and authorize the Mayor and City Clerk to execute the documents as needed.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

D. City Manager’s Report (Tom Barber)

1. City Manager, Tom Barber presented a Utility Update.

Adjournment (Mayor Gil McDougal)

Councilwoman Marchman moved to adjourn the meeting and was seconded by Councilman Danny Carter and the vote was unanimous. Mayor Gil McDougal adjourned the meeting.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDOUGAL, MAYOR
LESLIE MCPHERSON, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street August 18, 2023 | 5:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Mayor Pro Tem Leslie McPherson, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, Councilwoman Anna McCoy and Councilman Danny Carter.

Adoption of Agenda:

Councilwoman Shirley Marchman moved to adopt the agenda.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

A. Governing Body (Mayor Gil McDougal)

1. Public Hearing on Urban Redevelopment Plan

No one came forward to speak in public hearing.

2. Resolution Designating Urban Redevelopment Areas and Urban Redevelopment Plan presented by Tommy Ratchford.

Councilman Danny Carter moved to adopt the Resolution Designating Urban Redevelopment Areas and Urban Redevelopment Plan

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

3. Resolution Establishing Urban Redevelopment Agency presented by Tommy Ratchford.

Councilman Danny Carter moved to adopt a Resolution Establishing Urban Redevelopment Agency

RESULT: ADOPTED (UNANIMOUS)
MOVER: Danny Carter, Councilman
SECONDER: Matthew Momtahan, Councilman
AYES: McPherson, Marchman, Momtahan, McCoy, Carter

**The mayor went to recess @ 5:06 pm to enter Urban Redevelopment Agency.
The mayor returned from recess from Urban redevelopment Agency @ 5:16 pm and
announced he was going to go out of order of the agenda because someone was waiting on a
Teams video chat to speak.**

B. Deputy City Manager/CFO (Sarah Andrews)

1. Branding Tag Line presented by Ken Denny and Scarlet Rosier from Rhyme and Reason via Teams video.

Councilman Danny Carter moved that the City Council endorse “City of Gold” as the official tagline for the redesigned civic logo and other marks.

RESULT: ADOPTED (UNANIMOUS)
MOVER: Danny Carter, Councilman
SECONDER: Matthew Momtahan, Councilman
AYES: McPherson, Marchman, Momtahan, McCoy, Carter

C. Governing Body (Mayor Gil McDougal)

4. Repeal of Moratorium presented by David Mecklin. Councilman Danny Carter moved to terminate moratorium relating to Planning and Zoning.

Councilman Danny Carter moved to terminate the temporary moratorium on the acceptance of any applications relating to the licensing, zoning for, variances for, building of, expansion of or development of residential development in the City south of I-20 in multi-family or high-density residential development anywhere within the City that was enacted by this Council on May 23, 2023. This repeal of the moratorium is subject to compliance with the joint review process previously enacted by the Council.

RESULT: ADOPTED (UNANIMOUS)
MOVER: Danny Carter, Councilman
SECONDER: Anna McCoy, Councilwoman
AYES: McPherson, Marchman, Momtahan, McCoy, Carter

5. Appointment of City Members for the Joint Review Committee presented by David Mecklin. Councilman Danny Carter moved to appoint the City Manager and the Deputy City Manager as the City representatives on the Joint Review Committee through December 31, 2023.

Councilman Danny Carter moved to appoint the City Manager and the Deputy City Manager as the City representatives on the Joint Review Committee through December 31, 2023

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	McPherson, Marchman, Momtahan, McCoy, Carter

D. Public Comment: (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

No one came forward to speak.

E: Adjournment: Councilwoman Shirley Marchman moved to adjourn the meeting. Councilman Matthew Momtahan seconded. The vote was unanimous. Mayor Gil McDougal adjourned the meeting.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDOUGAL, MAYOR
LESLIE MCPHERSON, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES: MILLAGE RATE

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street

August 22, 2023 | 10:00 AM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Mayor Pro Tem Leslie McPherson, Councilwoman Shirley Marchman, Councilwoman Anna McCoy and Councilman Danny Carter.

Absent: Councilman Matthew Momtahan

A. Finance (Jennifer Hallman, Director)

1. Public Hearing #1 for Millage Rate

No one came forward to speak.

B. Adjournment:

Mayor Gil McDougal adjourned the meeting.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDOUGAL, MAYOR
LESLIE MCPHERSON, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES: BUDGET WORKSHOP

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street

August 22, 2023 | 10:00 AM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Mayor Pro Tem Leslie McPherson, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, (absent) Councilwoman Anna McCoy and Councilman Danny Carter.

A. Finance (Jennifer Hallman, Director)

1. 2024 Proposed Budget Presentation

Council Members received the budget and discussed by line item.

B. Public Comment: (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

No one came forward to speak.

C: Adjournment:

Mayor Gil McDougal adjourned the meeting.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDOUGAL, MAYOR
VACANT, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES: MILLAGE RATE

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
August 22, 2023 | 6:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, (by phone) Councilwoman Anna McCoy and Councilman Danny Carter.

Adoption of the Agenda

Motion: Councilwoman Shirley Marchman moved to adopt the agenda.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	Marchman, Momtahan, McCoy, Carter

A. Governing Body (Mayor Gil McDougal)

1. Resolution to Call for Special Election and Qualifying (Theresa Campbell, City Clerk)

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Shirley Marchman, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	Marchman, Momtahan, McCoy, Carter

Councilman Momtahan left the meeting.

B. Finance (Jennifer Hallman, Finance Director)

1. Public Hearing #2 for Millage Rate

Leslie McPherson was concerned about the Millage rate. She requested the Council look at why the surrounding Cities chose to roll back their Millage Rate and asked the Council to consider a roll back as well.

Christine Saeed wants to rollback the Millage Rate due to rising inflation.

Richard Kreg wants to rollback the Millage Rate due to rising inflation.

Barbara Jean Brown wants a rollback of the Millage rate due to expenses rising in all areas.

Kristy Chastain- mentioned that Re-assessments are inflated causing hardships for citizens.

Mayor McDougal congratulated the City of Villa Rica Seniors for winning their Pickleball Tournament over the City of Temple Seniors.

C. Adjournment:

Councilman Danny Carter moved to adjourn the meeting and was seconded by Councilwoman Shirley Marchman and the vote passed 3-0

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDUGAL, MAYOR
VACANT, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES: MILLAGE RATE #3

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
August 29, 2023 | 6:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, Councilwoman Anna McCoy (late) and Councilman Danny Carter.

Finance Director, Jennifer Hallman, delivered the millage rate presentation.

Adoption of Agenda

Councilman Matthew Momtahan moved to adopt the amended agenda to include A. 2 – Set Millage Rate.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Danny Carter, Councilman
AYES:	Marchman, Momtahan, Carter

A. Finance (Jennifer Hallman, Finance Director)

1. Public Hearing #3:

Peg Taylor- enjoyed the presentation and is asking for a full rollback of the millage rate due to inflation.

Stephanie Warmouth- mentioned that fair market value of homes has increased and believes that she is paying taxes on an inflated market. Requests a rollback of the millage rate.

Doug Lang- Appreciated the presentation but believes raising taxes in an election year would be a pretty gutsy move.

Leslie McPherson- Both of her home values have increased which in turn increased her property taxes. Mentioned that higher taxes can increase their mortgage payments.

Charlotte Evans- Spoke that her property value has increased and is considering selling their family home in the city due to the rising costs. With the increase of her water bill, she asked that the millage rate not be increased as well.

Joshua Evans- Has been in his home 44 years he owns his own company and can afford a tax increase, but other families in the city are struggling and he requests that the millage rate not be increased.

Barbara Jean Brown- mentions that housing rates whether it is rent or a mortgage they are all increasing and people are being forced to move. She wants everyone to love one another and help one another. She mentioned that surrounding towns have done a full rollback their millage rate.

Kristy Chastain- Reiterated what others have said. She mentioned that over the last 3 years fair market value has increased over \$66,000. She has had to reduce her HSA account and is eating at home more. She wants to know what the city is doing to save money.

Mary Woodven- Has seen dramatic increases of her taxes. She has lived here 22 years, and appreciated the presentation. She heard nothing about what the citizens get with a tax increase. Encourages the council not to increase the tax.

Kim Poer- Want to have the taxes set back, mentioned that everyone should appeal their taxes.

Mayor McDougal encouraged the citizens to file an appeal of their property taxes if they believe the value or home information is incorrect. He also spoke about the tax digest as it pertains to the city. He recommended that the Council adopt a full rollback of the millage rate to 5.822, second lowest value in more than 30 years.

2. Setting of the Millage Rate

Councilman Danny Carter moved to roll the Millage Rate all the way back to 5.822.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Marchman, Momtahan, McCoy, Carter

Councilwoman Shirley Marchman moved to adjourn the meeting and was seconded by Councilman Danny Carter and the vote was unanimous.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDOUGAL, MAYOR
VACANT, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES: BUDGET WORKSHOP

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street

August 29, 2023 | 6:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, (by phone) Councilwoman Anna McCoy and Councilman Danny Carter.

Adoption of the Agenda

Councilman Danny Carter moved to adopt the agenda amended to add B.2 Public Hearing for the Budget..

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Marchman, Momtahan, McCoy, Carter

A. Human Resources (Lena Taylor, Director)

1. Health Benefit Plan Modification for Non- Surgical Obesity Treatment

Councilman Danny Carter moved to authorize the City Manager to sign the plan modification proposed above for plan year to be effective October 1, 2023, through September 30, 2024.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Marchman, Momtahan, McCoy, Carter

B. Finance (Jennifer Hallman, Finance Director)

1. Budget Workshop –

Finance Director, Jennifer Hallman presented the proposed FY 2024 Budget with the changes made due to Millage Rate rollback.

2. Public Hearing for Budget

Peg Taylor- spoke about the upcoming Mirror Lake Yard Sale

Kristy Chastain- mentioned that the incremental increases to the water bill is appreciated because it allows citizens the ability to budget for the new fees.

C. Public Comment: (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes.)

No one came forward to speak.

D. Adjournment

Councilman Danny Carter moved to adjourn the meeting and was seconded by Councilwoman Shirley Marchman and the vote was unanimous.

Mayor Gil McDougal

City Clerk Theresa Campbell

CITY COUNCIL
GIL MCDOUGAL, MAYOR
VACANT, MAYOR PRO TEM
SHIRLEY MARCHMAN
MATTHEW MOMTAHAN
ANNA MCCOY
DANNY CARTER

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: THERESA CAMPBELL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

SPECIAL CALLED COUNCIL MEETING MINUTES: PUBLIC HEARING FY 2024 BUDGET

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
September 5, 2023, 2023 | 6:00 PM

Meeting Call to Order (Mayor Gil McDougal)

Present: Mayor Gil McDougal, Councilwoman Shirley Marchman, Councilman Matthew Momtahan, and Councilman Danny Carter.

Absent: Councilwoman Anna McCoy

Adoption of the Agenda

Councilman Danny Carter moved to adopt the agenda amended to add section A. Governing Body, 1. Vote for Mayor Pro Tem.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Marchman, Momtahan, Carter

A. Governing Body (Mayor Gil McDougal)

1. Mayor Pro Tem for remainder of 2023

Councilman Danny Carter moved to elect Shirley Marchman as Mayor Pro Tem for the remainder of 2023.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Marchman, Momtahan, Carter

B. Finance (Jennifer Hallman, Finance Director)

1. Public Hearing for Budget

No one came forward to speak.

C. Adjournment

Councilman Danny Carter moved to adjourn the meeting and was seconded by Councilwoman Shirley Marchman and the vote was unanimous.

Mayor Gil McDougal

City Clerk Theresa Campbell



CITY OF VILLA RICA

City Council Packet

SUBJECT: RA-06-18- Extension of Rezoning for 55 and 63 Goldworth Road -
Avenmore

CITY COUNCIL AGENDA DATE: September 12, 2023

DATE: August 28, 2023

PREPARED BY: Ronald Johnson, Planning & Zoning Administrator

PUBLIC HEARING REQUIRED: Yes

PURPOSE: The applicant, Winchester Real Estate Investment Company, seeks an extension of the rezoning for Avenmore from Rural Development (RD) to Planned Development (PD) and its successor zone, Planned Unit Development (PUD).

BACKGROUND: The City Council approved the Avenmore project at 55 and 63 Goldworth Road in 2018 with a total of 200 single-family units and 300 multi-family units, along with a host of other uses, including independent living, memory care, and live/work space. In 2020, the city increased the total number of single-family lots to no more than 250 units, and the multifamily unit count to a maximum of 325 units. In 2021, the City Council approved an additional 290 units of senior housing with a minimum age of fifty-five (55). The applicant is returning to extend their zoning approvals for another year as specified in the original and subsequent conditions placed on the application.

From 2019-2022, the applicant returned to the City Council for similar extensions, which were granted. A zoning book was submitted in 2019 and at that time the Council removed the restrictions on the community to provide only “55 and up” housing, and a stub road to Charleston Place.

The applicant has not completed all conditions specified by Council as highlighted below:

1. Preliminary plat application in accordance with the requirements and depicting the following should be reviewed and approved by Planning Commission and City Council.

[Completed]

- a. Acreage of the property, proposed building footprint, and density in each proposed land use to be included in the Planned Development (commercial, residential, and institutional).
- b. Public improvements plan showing connections to the proposed location of the Gold Nugget Trail along Bay Springs Creek.

2. Maximum number of single-family units: 250 units

3. Maximum number of multi-family units: 325 units
4. Maximum number of senior housing (55+) units: 290
5. Permitted Commercial uses to be limited to:
 - a. Retail offering common merchandise 100,000 square feet or less
 - b. Office, Business, and Professional
 - c. Bank or Financial Institution, Full Service
 - d. Veterinary Clinic/Animal Care Facility
 - e. Restaurant, Non-Drive-In
 - f. Barber Shop/Beauty Shop
 - g. Laundry, Pick up and Dry Clean Services
 - h. Florist Shop
 - i. Grocery/General Merchandise Store
 - j. Bakery/Pastry Shop
 - k. Museum
 - l. Art Gallery
 - m. Library
 - n. Cinema/Movie Theater
 - o. Athletic/Health Club Facilities
 - p. Clinic, Public or Private
 - q. Hospital, Health, and Medical Institution
 - r. Horticultural Gardening
 - s. Nursery and Greenhouse
6. Commercial uses requiring a conditional use permit to be limited to:
 - a. Church
 - b. Assembly Hall, Civic Center
7. To be submitted for approval with the Final Development Plan:
 - a. Zoning book [Completed]
 - b. Phasing plan [Completed]
 - c. Parking location detail for all uses [Completed]
 - d. Updated economic analysis [Completed]
 - e. Updated review letter from Three Rivers Regional Commission [Incomplete]
 - f. Updated traffic analysis [Incomplete]
 - g. Homeowners Association covenants [Completed]
 - h. Utility plan [Completed]
8. Submit application to nominate Williams-Mitchell Farm and Camp Lucretia as local, state and national historic properties/landmarks. [Completed]

STAFF RECOMMENDATION: No Staff Recommendation

POTENTIAL ACTION: APPROVAL with the following conditions:

1. Submittal of an updated Review Letter from Three Rivers Regional Commission;
2. Submittal of an updated traffic analysis;
3. Submittal of a detailed plan on the proposed movement of the water tower;
4. The maximum number of single-family units to be constructed shall be no more than 222 units as per zoning Master Plan;
5. The maximum number of multifamily units to be constructed shall be no more than 303 units as per zoning Master Plan;

6. All apartments, townhomes and condominiums shall have a maximum of two-bedroom units;
7. The applicant/developer must follow all zoning tabulations and design-based representations presented in the “Avenmore Master Plan”, dated July 18th, 2019. This document is fully transferrable and applicable to any future developer of the site;
8. Permitted Commercial uses to be limited to:
 - a. Retail offering common merchandise 100,000 square feet or less
 - b. Office, Business, and Professional
 - c. Bank or Financial Institution, Full Service
 - d. Veterinary Clinic/Animal Care Facility
 - e. Restaurant, Non-Drive-In
 - f. Barber Shop/Beauty Shop
 - g. Laundry, Pick up and Dry Clean Services
 - h. Florist Shop
 - i. Grocery/General Merchandise Store
 - j. Bakery/Pastry Shop
 - k. Museum
 - l. Art Gallery
 - m. Library
 - n. Cinema/Movie Theater
 - o. Athletic/Health Club Facilities
 - p. Clinic, Public or Private
 - q. Hospital, Health, and Medical Institution
 - r. Horticultural Gardening
 - s. Nursery and Greenhouse
9. Commercial uses requiring a conditional use permit to be limited to:
 - a. Church
 - b. Assembly Hall, Civic Center

PLANNING COMMISSION: N/A

MOTION:

- (1) I move to approve the Avenmore zoning renewal for twelve (12) months subject to the nine conditions as outlined by staff.

CITY OF VILLA RICA
PLANNING AND ZONING
571 WBANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

8/22/2023

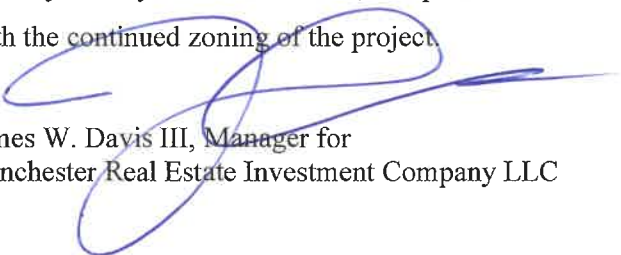
Dear Mr. Johnson,

In RE: Planned Development Final Plan for RA-06-18 at 55 and 63 Goldworth Road, Villa Rica, GA 30180, Parcel Nos: V07 0140004, V07 0140003 and V07 0140151, in Land Lot 99 of the 6th District in Carroll County, currently zoned Rural Development (RD).

To my understanding, I am required to request an extension of the current zoning plan for the Avemore project at this time. Please consider this letter my request to do so.

During the last year project progress includes harvesting 80 acres of trees under the LDP and grading out of some internal roadways.

Thank you for your consideration, and please advise me as to pertinent dates necessary for compliance with the continued zoning of the project.



James W. Davis III, Manager for
Winchester Real Estate Investment Company LLC

SepteCity of Villa Rica
571 West Bankhead Highway, Villa Rica, Georgia 30180
Telephone: (770) 459-7000; Fax: (770) 459-7003

**NOTICE OF PUBLIC HEARING
BY THE MAYOR & CITY COUNCIL
OF THE CITY OF VILLA RICA**

Public hearings will be conducted by the City Council on Tuesday, September 12, 2023 at 6:00PM at the Holt-Bishop Justice Center, Municipal Court Room, 101 Main Street, Villa Rica, Georgia. CU-01-22

Winchester Real Estate Investment Company, LLC of Villa Rica, Georgia requests an extension of its PUD zoning for his parcels of land in the Avemore PUD at 55 and 63 Goldworth Rd, Villa Rica, GA 30180 with parcel numbers V070140004, V070140003 and V070140151. The property consists of 220 acres and is located in Ward 2 of the City of Villa Rica, Georgia.

The public is invited to attend the hearings for oral comments or submit written comments on the subject to the City of Villa Rica, Attention: Villa Rica City Council, 571 West Bankhead Highway, Villa Rica, Georgia 30180, prior to the public hearings. Opponents to the variance request are required to submit a disclosure report five days before the public hearings. For questions or concerns, call Community Development at 678.840.1238.



Application Checklist

Please complete this form when accepting an Alteration to Rezoning Conditions. For processing a Rezoning request or map/text amendments, application shall be submitted in accordance with a schedule adopted annually by the City Council. Each application shall be submitted at least 50 days prior to the date on which it is to be considered by the City Council and in any event in sufficient time so as to permit advance advertising and notice of any public hearing(s).

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

Please check the following items being submitted:

Request for extension on zoning.
~~Request for extension on zoning.~~ *July 20*

Name of Applicant:

Winchester Real Estate Investment Company LLC

Signature of Applicant:

[Signature]

Date:

8/24/23

Applicant Campaign Disclosure Form

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City Council or Planning Commission who will consider the application?

Yes No

If Yes, the applicant and the attorney representing the applicant must file a disclosure report with the City within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Council/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 22nd day of August, 2013

Wendell J. REIC, LLC
Applicant's Name - Printed

Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public

1. Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.



Alteration to Rezoning Condition

Name of Applicant: Village Rice Est. La Fawcett LLC Phone: 770 680 0418 Date: 8/2/23
 Address Applicant: 55 Goldworth Rd Fax: _____ Pager/Cell: _____
 City: Village Rice State: GA Zip: 30180 E-mail: j2ywd3@gmail.com
 Name of Agent: James W. Davis Jr Phone: same Date: _____
 Address Agent: same Fax: _____ Pager/Cell: _____
 City: _____ State: _____ Zip: _____ E-mail: _____

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE TYPE OF REQUEST OR APPEAL AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

For the Purpose of Accessory PUD
 (Type of Development)
 Address of Property: 55 + 63 Goldworth Rd. Nearest intersection to the property: Victory Lane Rd.
 (Street Address, if Applicable, Nearest Intersection, Etc.)
 Land Lot Number(s): 99, District(s): 6, County: Carroll
 Size of Tract: 220 +/- acre(s) Gross Density: _____ units per acre Net Density: _____ units per acre
 Property Tax Parcel Number(s): V070140004, V070140008, and V070140151 (Required)

Adjacent Property Owners:

North: Matthews
 South: Charleston Crossing

East: Andy G / Buckner
 West: Talbot

Witness' Signature

Printed Name of Witness

Notary

Signature of Owners/s

Printed Name of Owners/

Signature of Agent



CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: VA-07-23 – Variance from Sections 9.29(1) and 9.29(1)(e) of the Villa Rica Sign Ordinance

AGENDA DATE: September 12, 2023

DATE PREPARED: August 28, 2023

PREPARED BY: Ronald Johnson, Planning & Zoning Administrator

AMOUNT:

GL ACCOUNT #:

FUNDING SOURCE:

BUDGETED ITEM?

PUBLIC HEARING: YES

PURPOSE: Fuqua BCDC Villa Rica Project Owner, LLC seeks a variance from Sections 9.29(1) and 9.29(1)(e) of the Villa Rica Sign Ordinance at 360, 364, 368, 372, 380, and 384 Mirror Lake Blvd. (Fuqua Outparcels) in order to permit an additional wall sign on the rear of each outparcel building, and to increase the size permitted from 1 square feet per linear foot to 2 square feet per linear foot.

BACKGROUND: The applicant received prior approval to encroach into the 50' and 75' stream buffers in November of 2022 (VA-13-22) and further relief in May of 2023 to construct a drive-thru in the front yard area and to reduce the landscape buffer in the W. Bankhead Highway front yard from 20' to 2'. The applicant proposes to construct a Little Caesar's restaurant, gas station and convenience store. The applicant submitted civil construction drawings in December 2022 and upon review staff found the applicant's plan deficient. The applicant submitted an Administrative Adjustment application for relief from this subsection and the city staff denied the request on the grounds that the request is entirely self-imposed, the site is over capacity, and a drive-thru is not required to operate a restaurant use on-site. The uses are permitted in the CMU Zone.

STAFF RECOMMENDATION:

1. **Section 9.29(1)(e) Wall Signs:** Shall be a maximum area of two (2) square feet per one (1) linear foot of the primary tenant frontage façade and signs for secondary frontages shall be calculated at a rate of one (1) square foot per one (1) linear foot of the tenant façade, not to exceed three-hundred (300) sf per sign, except under Sec.9.18. In the CMU zoning district or the CBD zoning district, sign area shall be based on one and one-half (1½) square feet per one (1) linear foot of the primary tenant facade. Sign area shall be subject to aggregate sign area per lot/parcel as specified in Table 9.1: Permanent Signs. **The applicant requests two (2) square feet per one (1) linear foot for the secondary signs for each outparcel.**

Recommendation: **DENIAL**

Reasons: The placement of non-primary signage is traditionally smaller than the primary, dominant signage. With each outparcel having a monument sign, wall sign and directional signs, staff has concerns of visual or “eye” pollution from an overabundance of signage on such a new, master planned development.

2. **Section 9.29(1) Wall Signs:** One (1) sign shall be permitted per building frontage on a public or private street”. The applicant proposes two wall signs per property.

Recommendation: **APPROVAL**

Reasons: No detriment could be found for providing a secondary wall sign.

IMPACT: N/A

MOTION:

- (1) I move to deny the requested variance from Section 9.29(1)(e) by Fuqua BCDC Villa Rica Project Owner, LLC, as presented.
- (2) I move to approve the requested variance from Section 9.29(1) by Fuqua BCDC Villa Rica Project Owner, LLC, as presented.

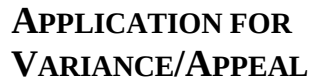


Variance Application Outparcel Building Wall Signs

Mirror Lake Blvd at Shoreline Parkway

Villa Rica GA

August 7, 2023



The procedure for requesting a Variance or filing an Appeal is set forth in Section 2.03.J and 2.03.K respectively, of the Unified Development Code (UDC). Generally, the amendment process involves review by the Community Development Manager and City Council.

Date of Application: 08/112023

Applicant Name: FUQUA BCDC VILLA RICA PROJECT OWNER, LLC

Address: 3575 PIEDMONT ROAD NE, STE 800 **City:** ATLANTA **State:** GA **Zip:** 30305

Phone: (404) 410 - 2579 **Fax:** () - **Email:** jeff.fuqua@fuquadev.com

Agent Name: Mike Hagan | Fuqua Development, LP

Address: 3575 PIEDMONT ROAD NE, STE 800 **City:** ATLANTA **State:** GA **Zip:** 30305

Phone: (404) 414 - 8544 **Fax:** () - **Email:** MIKE.HAGAN@FUQUADEV.COM

Owner Name (If different from applicant): _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Phone: () _____ - _____ **Fax:** () _____ - _____ **Email:** _____

VARIANCE OR APPEAL INFORMATION

Address of Variance or Appeal Location: _____

Proposed Outparcels to be located at 360, 364, 368, 372, 380, 384 Mirror Lake Boulevard

I, JEFF FUQUA, hereby state that all of the above statements and statements contained in the documents submitted with this application are true. I hereby request processing of this application.

08/11/2023

Date



CASE # _____
VARIANCE/APPEAL

Required Materials to Accompany the Application

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Variance:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2. A site plan demonstrating the requested variance, showing the affected property, adjacent property, zoning and existing land use;
3. A statement of why the variance is necessary;
4. A statement as to how the applicant's request satisfies each required finding;
5. A listing of the owners of property within 250 feet of the subject property and the mailing addresses for said owners on file with the County Assessor; and
6. Any other exhibits as may be required by the Community Development Manager.

Appeals from Staff Determinations:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment;
2. A statement as to why the applicant believes the Staff's determination is contrary to the intent and requirements of the Code; and
3. Any other exhibits as may be required by the Community Development Manager.

Return Form to:
Planning & Zoning
Office of Community Development
City of Villa Rica
571 West Bankhead
Villa Rica, GA 30180

678.785.1004 (T)
770.459.7003 (F)

For Department Use Only

Case No: _____

Filing Fee: _____

Date Received: _____

Pre-Application Conf: _____

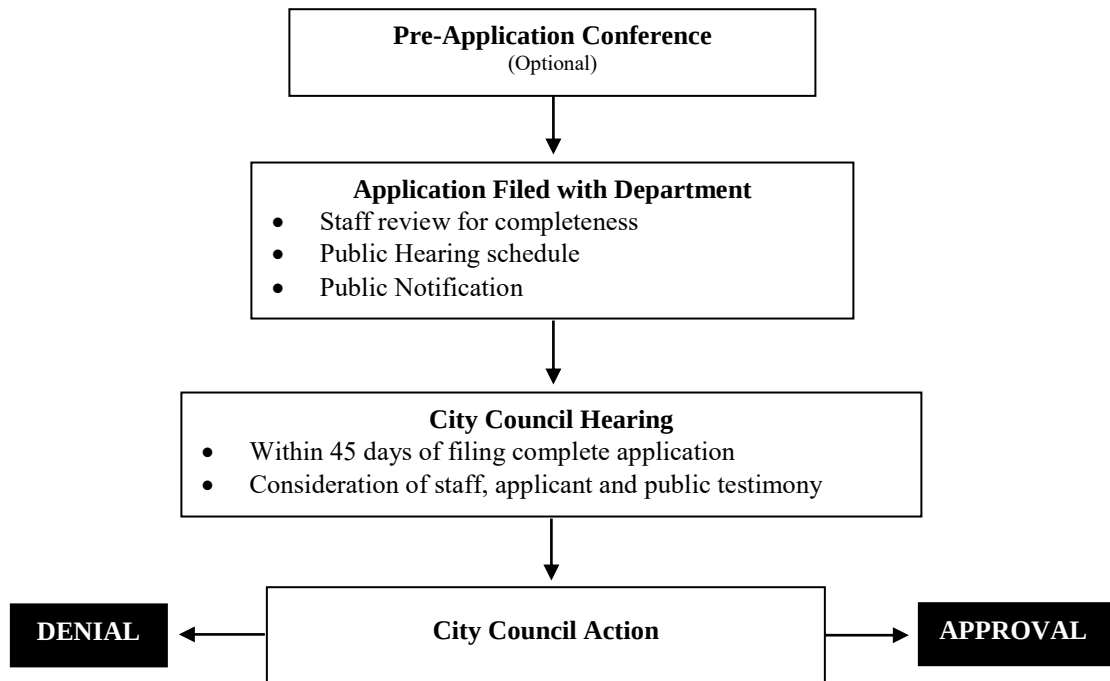
Staff Comments/Findings: _____

Action and Date: _____



CASE # _____
VARIANCE/APPEAL

PROCESS



Fuqua Development Mirror Lake Blvd Mixed-Use Development Variance Request

Written Statement
August 11, 2023

Project Overview / History

The Project is a new 62-acre mixed use development in progress by Fuqua Development, LP (the ‘Owner’) which consists of residential, retail, and restaurant uses. The original land parcels were rezoned on October 26, 2021, to Single Family Attached Residential (SFA), Medium-Density Multi-Family Residential (MF2) and Medium Density Commercial(C2). The project is designed to incorporate the construction of the new Mirror Lake Connector Road between Mirror Lake Blvd and Cleghorn St.

The Commercial portion of the development is comprised of a grocery anchored shopping center with inline retail and restaurants, as well as six proposed Outparcels along the Mirror Lake Boulevard frontage. The Outparcels are proposed to be a mix of retail, restaurant and service uses.

In March 2022, Fuqua requested several variances to facilitate the wholistic integrated multi-use nature of the project, including approval of a Master Signage Plan, which was approved by City Council on April 12, 2022.

Variation Request #2023-08-11 #1:

Reference is made to the Master Signage Plan (“MSP”) approved by City Council on April 12, 2022. Although the MSP identified proposed building wall signage for the Grocery Store and the adjacent shops building (aka Building 200), minimum proposed building Wall Signage for the Outparcel users (i.e., OP’s 1 through 6) was not addressed. Subsequently, Owner has determined through discussions with numerous prospective Outparcel users, and for reasons outlined below, that multiple building Wall Signs ***will be critical to the success*** of these businesses.

The Villa Rica Code pertaining to Wall Signs states the following:

Sec 9.29 (1) “One (1) sign shall be permitted per building frontage on a public or private street”, and
Sec 9.29 (1)(e) “Shall be a maximum area of two (2) square feet per one (1) linear foot of the primary tenant façade and signs for secondary frontages shall be calculated at a rate of one (1) square foot per one (1) linear foot of the tenant façade, not to exceed three-hundred (300) sf per sign, except under Sec.9.18. “

Due to the above noted integrated/wholistic nature of the project, the Outparcels are each accessed via a shared common drive along either the side or ‘rear’ of the outparcels, eliminating the need for individual direct connections for each OP on to Mirror Lake Boulevard (reference attached commercial development Site Plan). Although these common drives may not technically meet ‘secondary frontage’ requirements as very specifically defined in City code, they without question serve not just as secondary, but in fact primary, customer access points for these users. Further, a large percentage of Outparcel customers are expected to be shopping first at the Grocery Anchor and upon exiting the grocery store and its parking facilities, will look for an easy clear indication (via adequately sized OP Wall Signage) of the location of

the specific business establishments on each of the Outparcels. This can only be accomplished with a Wall Sign located on the side or rear of each of the Outparcel uses.

As such, Owner is seeking a variance from the above referenced code sections to permit additional Outparcel Wall Signs as follows:

- 1. A minimum of two Wall Signs (i.e., a 'primary' and a 'secondary' sign) shall be permitted for each tenant/business located on an Outparcel.***
- 2. Said additional Wall Sign may be placed on either the side or rear wall of the building (at user's discretion so to facilitate the best visibility depending on site specific conditions).***
- 3. Said additional Wall Sign shall be permitted to be 2 SF per lineal foot of the facade on which the sign is placed (i.e., similar in size to the primary sign due to the secondary signs being located on what is, as a practical matter, the primary access side of the building).***

[An illustrative example depicting a generic application of the above requested Secondary Wall Signs for a multi-tenant outparcel building is attached hereto for representational purposes]

Statement of Satisfaction of Required Findings:

- 1. General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.***

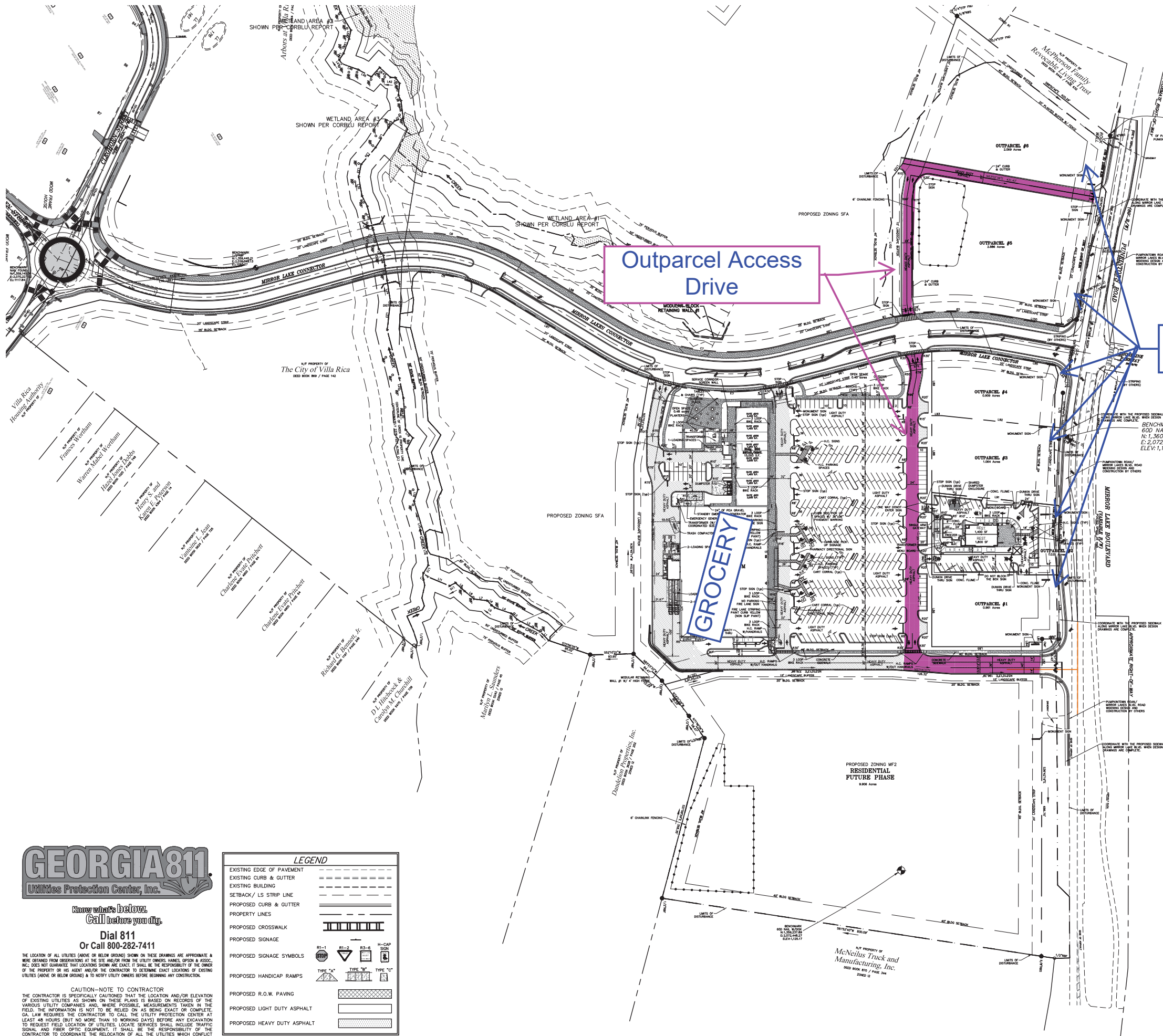
The approval of the variance would serve to provide better clarity and inform the community as to the location and access points of the business establishments they wish to patronize, thereby reducing confusion and improving vehicular safety for customers and the general public. As such, the variance would not be injurious to the public health, safety, morals, and general welfare of the community.

- 2. Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and***

The additional requested signs will be generally oriented 'inward' toward the development's other commercial/integral component uses, and the signage will contribute greatly to the success and vibrancy of the Outparcel and other business establishments. Active, vibrant, successful commercial uses within the development will greatly enhance the value of the surrounding areas. As such, the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

- 3. Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.***

The variance is not requested for economic gain, rather, to help ensure success of the proposed new Outparcel users by granting them a commercially reasonable amount of signage, consistent with other business establishments and to assist the public in locating and identifying these establishments from the actual access side of the businesses. The variance is primarily only needed because the Outparcel 'access drive' may not meet certain somewhat arbitrary technical requirements for a private street. A strict application of the terms of the ordinance will result in a practical difficulty in the use of the property by disadvantaging the Outparcel businesses relative to other competitors. Conversely, we submit that allowing some flexibility, as in this case, in permitting alternative signage standards, will make for a better overall project.



CITY OF VILLARICA
18 26
CITY OF GOLD
GEORGIA

Approved
February 20, 2023
9:48 AM
Bobby C. Elliott, PE

- SITE PLAN NOTES:**
1. ALL DIMENSIONS AND RADII ARE TO/FROM THE FACE OF CURB, EDGE OF ASPHALT, AND/OR THE OUTSIDE FACE OF THE BUILDING WALL UNLESS OTHERWISE STATED. ALL RADII DIMENSIONS ADJACENT TO PARKING SPACES ARE 3' UNLESS OTHERWISE NOTED.
 2. ALL NEW CONSTRUCTION SHALL CONFORM TO THE LATEST REQUIREMENTS OF THE AMERICAN DISABILITIES ACT (A.D.A.). SEE ARCHITECTURAL DRAWINGS FOR STRUCTURE COMPLIANCE.
 3. UNLESS OTHERWISE NOTED, ALL PAVEMENT IS TO BE STANDARD DUTY ASPHALT.
 4. TYPICAL PAVEMENT SECTIONS FOR THE NEW PAVEMENTS ARE INCLUDED IN THE CONSTRUCTION DETAIL SHEETS.
 5. ALL CONSTRUCTION TO CONFORM TO ALL RELEVANT JURISDICTIONAL AUTHORITIES STANDARDS AND REQUIREMENTS. SEE REVIEW COMMENTS FOR REVIEW COMMENTS.
 6. SIDEWALKS ARE NOT ALLOWED WITHIN 13 FEET FROM THE EDGE OF THE ROADWAY WITHOUT CURB AND GUTTER AND ANY NECESSARY DRAINAGE STRUCTURES.
 7. EXISTING STRUCTURES ARE LOCATED ON SITE.

N.P.D.E.S. PRIMARY PERMITTEE
FUQUA DEVELOPMENT, LLC
3575 Piedmont Rd., NE, Suite 800
Atlanta, Georgia, 30305
CONTACT: Mike Hagan
PHONE: 404-907-1709
24-HR. CONTACT: Mike Hagan
24-HR. PHONE: 404-907-1709

PROPOSED BUILDING:	BLDG. SQ. FT.	PARKING	RATIO	PARCEL AREA
GROCERY	55,454	277	5.00	
RETAIL/REST.	15,000	88	5.86	
TOTAL	70,454	365	5.18	8.96 AC
OUTPARCEL #1				0.97 AC
OUTPARCEL #2	4,605	54	11.72	1.32 AC
OUTPARCEL #3				1.71 AC
OUTPARCEL #4				1.66 AC
OUTPARCEL #5				1.61 AC
OUTPARCEL #6				1.70 AC

GROCERY & SHOPS H.C. SPACES REQUIRED = 8 SPACES - PROVIDED = 12 SPACES
OUTPARCEL #2 H.C. SPACES REQUIRED = 3 SPACES - PROVIDED = 3 SPACES

SEE LANDSCAPE AND HARDSCAPE PLANS FOR EXACT SIDEWALK LAYOUT, HARDSCAPE PLAN, DISPOSITION OF CONCRETE SIDEWALK OR OTHER SURFACE TREATMENT, LANDSCAPE AREAS, AND GRASSED AREAS.

NOTE: PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF POTHoles, WEEDS, DUST, TRASH, AND DEBRIS.

NOTE: PAINT STRIPING IN ALL PARKING LOT AND PAVEMENT PARKING LOT AND PAVEMENT AREAS SHOULD BE CONSTRUCTED WITH A PAINT PRODUCT THAT PROVIDES A HIGH SLIP-RESISTANT FINISH AND PREVENTS INDIVIDUALS FROM SLIPPING WHEN STEPPING ON THE STRIPING IN BOTH WET AND DRY CONDITIONS.

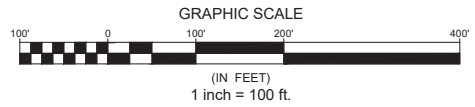
GENERATOR SITING NOTE (per Grocery SDM 1-52): THE PROPOSED LOCATION OF STORAGE TANK(S) AT THE SUBJECT SITE IS NOT WITHIN 500 FEET OF ANY EXISTING COMMUNITY WATER SUPPLY WELL, NOT WITH 500 FEET OF ANY EXISTING NON-TRANSIENT NON-COMMUNITY WATER SUPPLY WELL, AND NOT WITHIN 100 FEET OF ANY OTHER MUNICIPAL WATER SUPPLY WELL.

1. OWNER/DEVELOPER — FUQUA DEVELOPMENT, LP
Mike Hagan
3575 Piedmont Rd., NE, Suite 800
Atlanta, Georgia 30305
(404) 907-1709 - (mike.hagan@fuquadev.com)
2. CIVIL ENGINEER — HAINES, GIPSON & ASSOCIATES, INC.
Storey C. Abernethy
1550 NORTH BROWN ROAD, SUITE 100
LAWRENCEVILLE, GA 30043
(770) 491-7550 - (saber@hainesgipson.com)

THERE IS NO PORTION OF THE PROPERTY LOCATED WITHIN THE FLOOD HAZARD ZONE DETERMINED BY F.E.M.A. COMMUNITY-PANEL MAP & 13045C0157E, DATED AUGUST 15, 2019.

NOTE: SEE SHEET C-10.3 FOR ALL ASPHALT AND CONCRETE DESIGNS PER THE GEOTECH REPORT.

OVERALL SITE PLAN



Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

THE LOCATION OF ALL UTILITIES (ABOVE OR BELOW GROUND) SHOWN ON THESE DRAWINGS ARE APPROXIMATE & WERE OBTAINED FROM OPERATIONS AT THE SITE AND/OR FROM THE UTILITY OWNERS, HAINES, GIPSON & ASSOC. INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY OR HIS AGENT AND/OR THE CONTRACTOR TO DETERMINE EXACT LOCATIONS OF EXISTING UTILITIES (ABOVE OR BELOW GROUND) & TO NOTIFY UTILITY OWNERS BEFORE BEGINNING ANY CONSTRUCTION.

CAUTION-NOTE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. GA. LAW REQUIRES THE CONTRACTOR TO CALL THE UTILITY PROTECTION CENTER AT LEAST 48 HOURS (BUT NO MORE THAN 10 WORKING DAYS) BEFORE ANY EXCAVATION TO REQUEST FIELD LOCATION OF UTILITIES. LOCATE SERVICES SHALL INCLUDE TRAFFIC SIGNAL AND FIBER OPTIC EQUIPMENT. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE THE RELOCATION OF ALL THE UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

LEGEND

EXISTING EDGE OF PAVEMENT
EXISTING CURB & GUTTER
EXISTING BUILDING
SETBACK/LS STRIP LINE
PROPOSED CURB & GUTTER
PROPERTY LINES
PROPOSED CROSSWALK
PROPOSED SIGNAGE
PROPOSED SIGNAGE SYMBOLS
PROPOSED HANDICAP RAMPS
PROPOSED R.O.W. PAVING
PROPOSED LIGHT DUTY ASPHALT
PROPOSED HEAVY DUTY ASPHALT

RT-1 RT-2 RT-3 H-CAP
TYPE "A" TYPE "B" TYPE "C"

HGA
HAINES GIPSON & ASSOCIATES
Civil • Structural • Bridge

REGISTERED PROFESSIONAL ENGINEER
NO. 10000
STATE OF GEORGIA
GSWCC CERT. NO. 0000072076

FLUORIDEVELOPMENT

MIRROR LAKE RETAIL
VILLA RICA, GEORGIA

NO.	BY	DATE	DESCRIPTION
01	SCA	1/15/22	OWNER COMMENTS
01	SCA	1/09/23	GSWCC COMMENTS

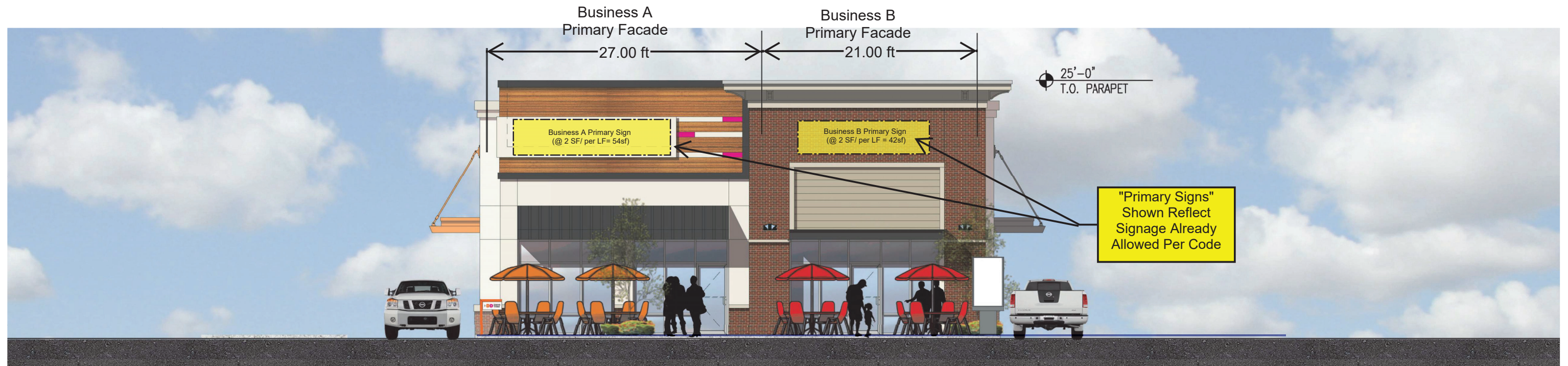
DRAWN BY SCA
CHECKED BY RCL

DATE
07/05/2022

SHEET TITLE
PLAN

SHEET NUMBER
C-1.0

HGA JOB No. 2021-144.10



FRONT ELEVATION

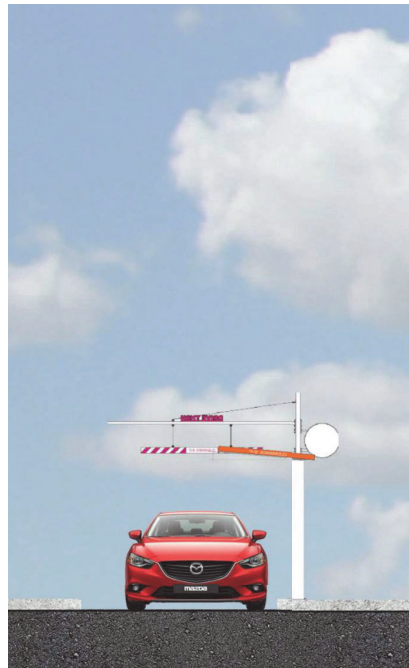


RIGHT ELEVATION

VILLA RICA GROCER
DESIGN DEVELOPMENT RETAIL 400

VILLA RICA, GA

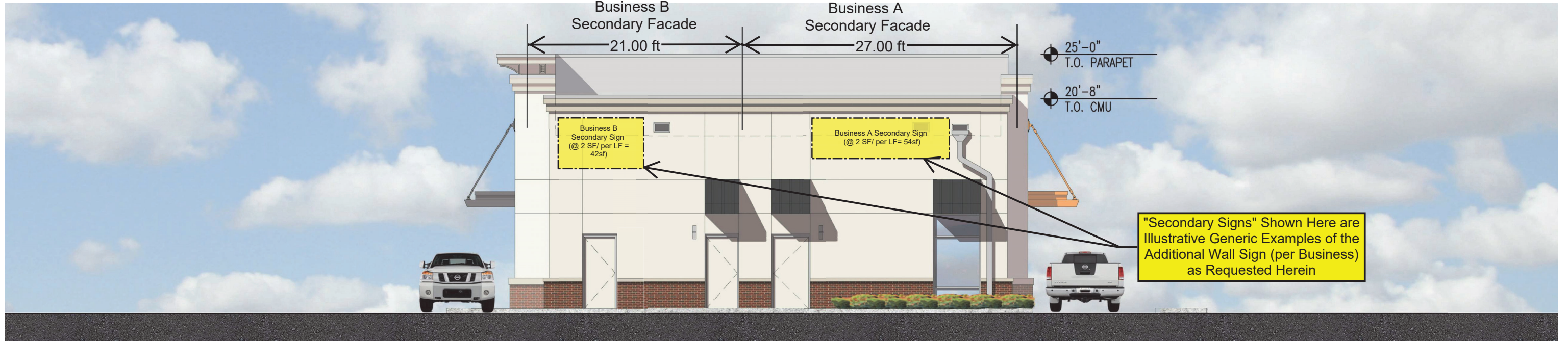
01.16.2023



DRIVE THRU ELEVATION



LEFT ELEVATION



REAR ELEVATION



VILLA RICA GROCER
DESIGN DEVELOPMENT RETAIL 400

VILLA RICA, GA

01.16.2023



eFiled and eRecorded
DATE: 12/21/2022
TIME: 11:23 AM
DEED BOOK: 6130
PAGE: 333 - 336
FILING FEES: \$25.00
TRANSFER TAX: \$0.00
INTANGIBLE TAX: \$0.00
PARTICIPANT ID: 1983094574
PARTICIPANT ID: 7067927936
PT61: 022-2022-007228
RECORDED BY: SM
CLERK: Alan J. Lee
Carroll County, GA

Prepared by:

David Reid
Rangeworth Law Group PLLC
200 S Oakridge Dr.
Suite 101-224
Hudson Oaks, TX 76087

Parcel Identification No.:
V050130096
V050180062
V050180075
V050180085
NCS 1065753

QUITCLAIM DEED

THIS QUITCLAIM DEED made this 15 day of ~~November~~ ^{December}, 2022, by **DAVID R. SCHOERNER** ("Schoerner") whose mailing address is 125 Windsong Court, Carrollton, GA 30117, and **CAPITAL GAINS TAX SOLUTIONS NV, LLC, A NEVADA LIMITED LIABILITY COMPANY, AS TRUSTEE OF THE DMSKSS DST 2022 TRUST** ("DST" and, jointly with Schoerner, the "Grantor"), whose mailing address is 915 Highland Point Drive Suite 250, Roseville, CA 95678, to **FUQUA BCDC VILLA RICA PROJECT OWNER, LLC**, a Georgia limited liability company (the "Grantee"), whose mailing address Fifteen Piedmont Center, 3575 Piedmont Road NE, Suite 800, Atlanta, Georgia 30305 (wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations):

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby quitclaims, aliens, remises, releases, conveys and confirms unto the Grantee, without warranty or covenant of any kind, all that certain real property located in Carroll County, State of Georgia, the legal description of which is contained in Exhibit "A" attached hereto and made a part hereof (the "Land").

TOGETHER WITH all of the rights, privileges, appurtenances, hereditaments, easements, air rights, reversions, and remainders pertaining to or used in connection therewith.

TO HAVE AND TO HOLD, the same in fee simple forever.

[signature page follows]

IN WITNESS WHEREOF, the Grantor has caused the deed to be executed and delivered the day and year first above written.

GRANTOR:

Signed, sealed and delivered in
the presence of:

Laura J. Allen

Unofficial Witness

David R. Schoerner
Name: David R. Schoerner

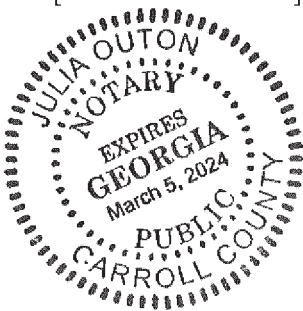
Julia Outon

Notary Public

My commission expires:

[NOTARIAL SEAL]

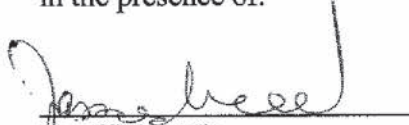
3-5-2024



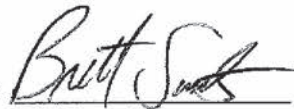
[signatures continue on following page]

[signature to Quitclaim Deed, continued]

Signed, sealed and delivered
in the presence of:


Unofficial Witness

Capital Gains Tax Solutions NV, LLC, a
Nevada limited liability company, as Trustee
of the DMSKSS DST 2022 Trust

By: 
Name: Brett Swarts
Title: General Managing Member

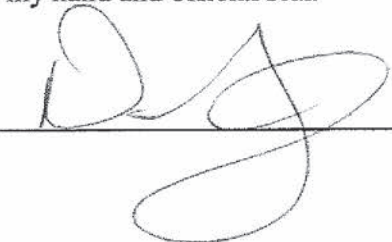
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sacramento) SS.

On 11/17/2022, 2022, before me, Dara M. Trifeletti, a
Notary Public, personally appeared Brett Swarts, who
signed the within instrument in my presence and who proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

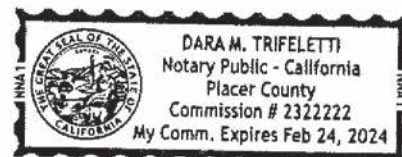


Exhibit A – Legal Description

Legal Description – *Overall Property*

All that tract or parcel of land lying and being in Land Lot 176 and Land Lot 177 of the 2nd District, Carroll County, Georgia, and being more particularly described as follows:

Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Outparcel 1, Outparcel 2, Outparcel 3, Outparcel 4, Outparcel 5, Outparcel 6, and the Future Roadway/Mirror Lake Connector, each as shown on that certain Reconfiguration Plat of Mirror Lake Boulevard for Fuqua Development, LP recorded in Plat Book 108, Page 475, Carroll County, Georgia records.

eFiled and eRecorded
DATE: 12/21/2022
TIME: 11:23 AM
DEED BOOK: 6130
PAGE: 343 - 345
FILING FEES: \$25.00
TRANSFER TAX: \$0.00
INTANGIBLE TAX: \$0.00
PARTICIPANT ID: 1983094574
PARTICIPANT ID: 7067927936
PT61: 022-2022-007230
RECORDED BY: SM
CLERK: Alan J. Lee
Carroll County, GA

NCS 1065753-A

Prepared by:

David Reid
Rangeworth Law Group PLLC
200 S Oakridge Dr.
Suite 101-224
Hudson Oaks, TX 76087

Parcel Identification No.:
V050130096
V050180062
V050180075
V050180085

QUITCLAIM DEED

THIS QUITCLAIM DEED made this 15 day of December, 2022, by **DELENA C. CONDON** and **CLAY C. CONDON** (jointly, the "Grantor"), whose mailing address is 384 Mirror Lake Blvd., Villa Rica, GA 30180, to **FUQUA BCDC VILLA RICA PROJECT OWNER, LLC**, a Georgia limited liability company (the "Grantee"), whose mailing address Fifteen Piedmont Center, 3575 Piedmont Road NE, Suite 800, Atlanta, Georgia 30305 (wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations):

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby quitclaims, aliens, remises, releases, conveys and confirms unto the Grantee, without warranty or covenant of any kind, all that certain real property located in Carroll County, State of Georgia, the legal description of which is contained in Exhibit "A" attached hereto and made a part hereof (the "Land").

TOGETHER WITH all of the rights, privileges, appurtenances, hereditaments, easements, air rights, reversions, and remainders pertaining to or used in connection therewith.

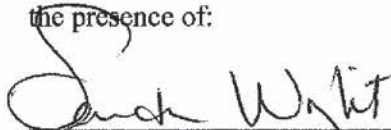
TO HAVE AND TO HOLD, the same in fee simple forever.

[signature page follows]

IN WITNESS WHEREOF, the Grantor has caused the deed to be executed and delivered the day and year first above written.

GRANTOR:

Signed, sealed and delivered in
the presence of:


Unofficial Witness

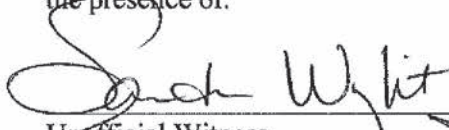

Notary Public

My commission expires: 02/27/2024
[NOTARIAL SEAL] W-00445559
762-760-7226


Name: Delena C. Condon

Calvin Jackson Jr
NOTARY PUBLIC
Douglas County, GEORGIA
My Commission Expires 02/27/2024

Signed, sealed and delivered in
the presence of:


Unofficial Witness


Notary Public

My commission expires: 02/27/2024
[NOTARIAL SEAL] W-00445559
762-760-7226


Name: Clay C. Condon

Calvin Jackson Jr
NOTARY PUBLIC
Douglas County, GEORGIA
My Commission Expires 02/27/2024

Exhibit A – Legal Description

Legal Description – *Overall Property*

All that tract or parcel of land lying and being in Land Lot 176 and Land Lot 177 of the 2nd District, Carroll County, Georgia, and being more particularly described as follows:

Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Outparcel 1, Outparcel 2, Outparcel 3, Outparcel 4, Outparcel 5, Outparcel 6, and the Future Roadway/Mirror Lake Connector, each as shown on that certain Reconfiguration Plat of Mirror Lake Boulevard for Fuqua Development, LP recorded in Plat Book 108, Page 475, Carroll County, Georgia records.



August 9th, 2023

Theresa Campbell, City Clerk
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

Re: Planning Report
Fuqua BCDC Villa Rica Project Owner, LLC
VA-07-23
360, 364, 368, 372, 380 and 384 Mirror Lake
Blvd (Outparcels 1-6)
Land Lot 176, District 2
Parcel #: V05 0180085, V05 0180062, V05 0180075
Acreage: 61.1
Ward: 1
City Council Member: Leslie McPherson
Planning Board Member: Tom Flowers
City of Villa Rica, Carroll County, Georgia

Dear Ms. Campbell:

Fuqua BCDC Villa Rica Project Owner, LLC (the Applicant) seeks three variances from zoning regulations in order to permit several larger signs on the development outparcels, a higher quantity of signs, and placement on the side or rear walls of the proposed structures. The variances are detailed in Section D of this report.

The following documents, which were submitted in support of the Application, have been reviewed:

1. An approved (annotated) Site Plan, prepared by Haines, Gibson & Associates, signed and stamped by Stonie Abercrombie, PE, dated January 2nd, 2023 (1 page);
2. Variance Application, dated August 11th, 2023, signed by Jeff Fuqua (2 pages);
3. Applicant Written Statement, dated August 11th, 2023;
4. Quitclaim Deed, signed by David R. Schoerner, and dated December 15th, 2022 (4 pages);
5. Quitclaim Deed, signed by Delena C. Condon and Clay C. Condon, and dated December 15th, 2022 (3 pages);



A. Existing Conditions

The subject properties are located west of Mirror Lake Boulevard. Collectively, all six parcels have direct frontage (but no access) along Mirror Lake Boulevard. Outparcel #4 (372 Mirror Lake Boulevard) also has frontage along the proposed Mirror Lake Connector. All parcels are currently under construction commercial uses.

The subject properties are adjacent to residential uses in the existing Stonehenge subdivision to the north, and the Spyglass Hill section of Mirror Lake subdivision to the east across Mirror Lake Boulevard, both of which are in the city limits. Outparcel #1 is adjacent to a proposed apartment development, and Outparcels #5 and #6 are adjacent to a proposed townhome development. The Town Branch stream borders the rear (western) boundaries of Parcels B and C. No streams are present on Parcel A. No easements have been identified on the site plan.

Surrounding Properties:

TABLE 1 – ADJACENT ZONING AND LAND USE CHARACTER AREAS		
	Current Zoning	Land Use Character Area
North	Single-Family Suburban (R1)	Suburban Neighborhood
East	Planned Unit Development (PUD)	Suburban Neighborhood
South	Industrial Medium Density (MF2)	Urban Village
West	Single-Family Attached (SFA) Commercial Medium Density (C2)	Urban Village Conservation / Open Space



Figure 1: Carroll County GIS image of the site, with the property boundaries approximated.

B. Site History

Parcel A was developed with a single-family home in 1993 and is a part of Stonehenge subdivision. The entirety of Parcels B and C are vacant and have been vacant throughout their existence. The Unified Development Code (UDC) zoned Parcel A as Multi-Family (R14) and Parcels B and C as General Industrial (GI). Parcel A was rezoned in 2020 during the citywide rezoning from R14 to Single-Family Agricultural (AG), whereas Parcels B and C were rezoned from GI to Industrial Medium-Density (I2). In October 2021, the property was rezoned by request from Fuqua Acquisitions II, LLC to a split zoning consisting of Multifamily Medium-Density (MF2), Single-Family Attached (SFA) and Commercial Medium-Density (C2) in preparation for a new mixed-use development.

The parcels have been subject to four variance application requests that were granted. Several development regulations were granted for relief.



C. Proposed Development

The applicant currently owns the parcels in question with the intent to construct the following uses/businesses:

Outparcel #1	Wendy's	360 Mirror Lake Blvd
Outparcel #2	Smoothie King/Dunkin Donuts	364 Mirror Lake Blvd
Outparcel #3	Mavis Tires and Brakes	368 Mirror Lake Blvd
Outparcel #4	TBD	372 Mirror Lake Blvd
Outparcel #5	Circle K	380 Mirror Lake Blvd
Outparcel #6	Tidal Wave Carwash	384 Mirror Lake Blvd

The site is currently in grading stages and will be outparcels to an 18.9-acre commercial shopping center, 255 townhome units, and 208 multi-family unit mixed-use development. The applicant had the properties rezoned in 2021. Parcel A was rezoned from AG to Single-Family Attached (SFA) and Commercial Medium-Density (C2); and rezoned Parcels B and C from I2 to SFA, C2 and MF2. Approximately 9.8 acres of the proposed development is zoned MF2, and 32.98 acres is zoned SFA. Of the commercial space proposed, a 60,000 sq. ft. grocer, 5,000 sq. ft. of retail space, and 10,000 sq. ft. of restaurant space is proposed within the anchor and shops parcel.

The purpose of the request is to permit double the permitted size for all outparcels, to permit wall signs along the rear drive aisle, and to allow more signs than permitted by the ordinance. The applicant explains in their letter of intent that vehicular traffic is expected to utilize the shared common drive as access points to each parcel, and that much of the traffic to these uses will be leaving the grocery store and will need a clear point of entry with clear indication for each business.

As a part of constructing the project, the developer previously applied for thirteen (13) variances for the commercial portion of the development. The minutes from the two City Council hearings for these variances has been attached. Of the variances, once was issued for a Master Sign Plan, which would effectively be altered with the granting of this request.

Flood Plain

A stream (identified as Town Branch on FEMA maps) forms the western boundary of the wider development. Figure 2, below, indicates the flood zone map for the property:



National Flood Hazard Layer FIRMette

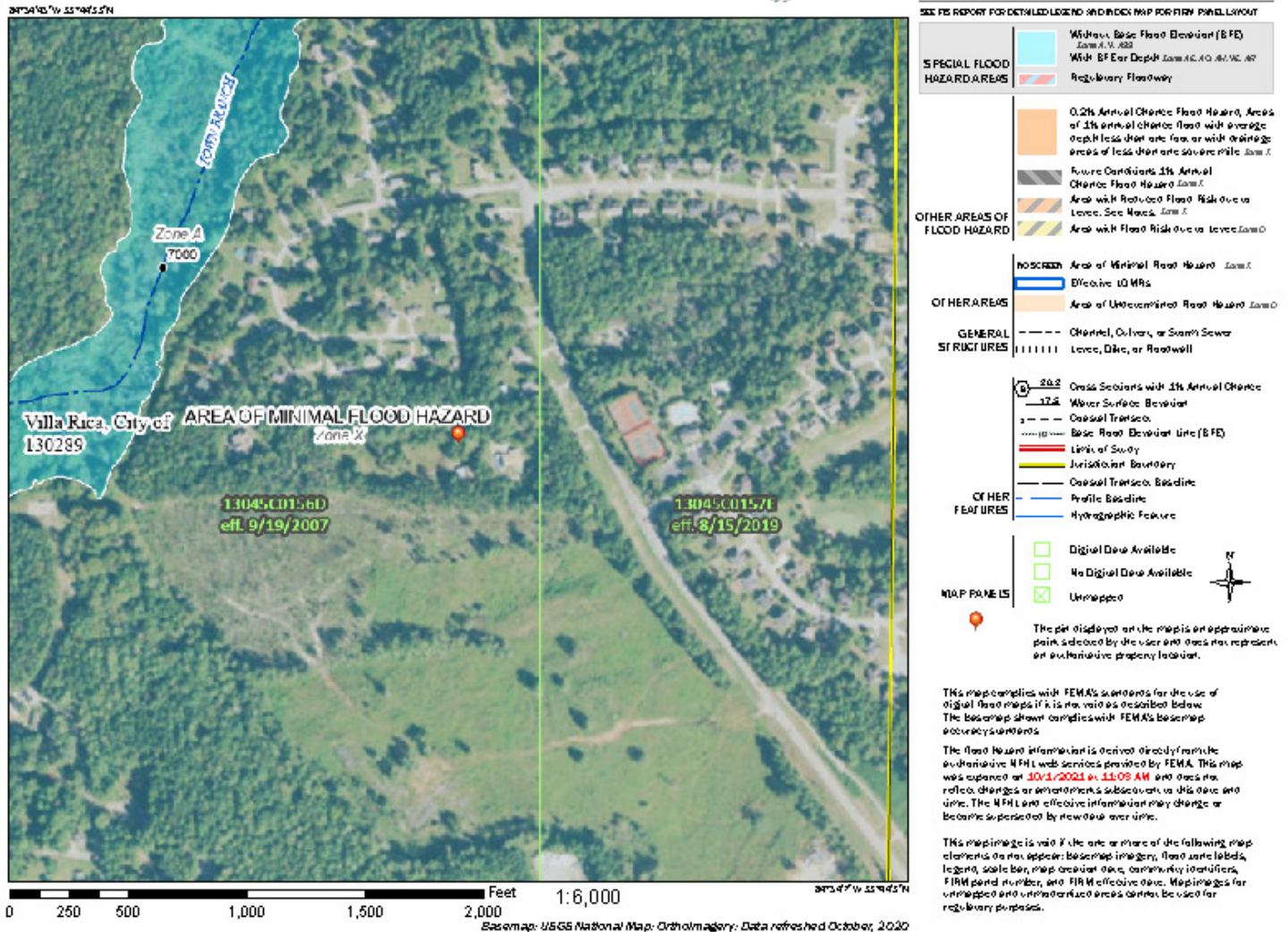


Figure 2: National Flood Hazard Layer FIRM Map 13045C0158D

D. Variances

The developer has requested variance relief from the sign ordinance as outlined below. The applicant has stated the primary reason for not complying with the sections of the sign ordinance is because of the “integrated/wholistic nature of the project” and that vehicular traffic will be entering the lots from the access drives.

The Applicant has requested variance relief for the following:

1. Section 9.29(1)(e) Wall Signs: Shall be a maximum area of two (2) square feet per one (1) linear foot of the primary tenant frontage façade and signs for secondary frontages shall be



calculated at a rate of one (1) square foot per one (1) linear foot of the tenant façade, not to exceed three-hundred (300) sf per sign, except under Sec.9.18. In the CMU zoning district or the CBD zoning district, sign area shall be based on one and one-half (1½) square feet per one (1) linear foot of the primary tenant facade. Sign area shall be subject to aggregate sign area per lot/parcel as specified in Table 9.1: Permanent Signs.

The developer requests approval to permit 2SF per linear foot of the façade on which the sign is placed (i.e, similar in size to the primary frontage sign due to the secondary signs being located on what is, as practically, matter the primary access entry side). As a part of this request, the

2. Section 9.29(1) Wall Signs: One (1) sign shall be permitted per building frontage on a public or private street”.

A minimum of two wall signs shall be permitted for each business located on an outparcel.

Proofs for Variances

In review of the variance requested for the development, the “benefits vs. detriments” of such an approval was reviewed in addition to the purposes of the Comprehensive Plan. The purposes of the request were made clear by the applicant in their application and, according to the applicant, stems the vehicular entrance layout of the parcels. The variance is the result of placement of the entrances on the interior of the former master parcels, and specific site requirements by the developer prompting their necessity. Staff could not identify any detriments from an approval of the requested variance. Although the site was not developed as a Planned Unit Development (PUD), it is designed as a master planned community. Many of the zoning ordinance regulations required are meant for single developments or developments all on one lot, which is not the case for this development. Issuance of the variances requested will benefit the entire development and make for a more cohesive development.

The Future Land Use Plan prescribes “Industrial Activity Center” and “Conservation/Open Space” as future land uses for the parcels. The intent of the Industrial Activity Center is as follows:

“The Industrial Activity Centers are characterized by large building footprints and lots usually in excess of five (5) acres, where truck access is of primary concern. The Activity Centers may include landscaped roadways and uniform signage to create a cohesive industrial setting. Preservation and expansion of existing industrial development should respect adjacent land uses and existing development patterns (including building placement, lighting, site features, streetscape, etc.). When feasible, campus-style industrial developments are encouraged, with an emphasis on high quality construction and design and inter-connectivity.”

The existing development pattern in the area is consistent with the Comprehensive Plan from a density and site development standpoint. The nature of the variance appears to not impact the



Comprehensive Plan.

Variance Decision Criteria

In taking action on all variance requests, the Council shall use the following decision criteria, consistent with the requirements of the Georgia Code.

a) Development Standards Variance. The Council may grant a variance from the development standards of this ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with *O.C.G.A. 36-66-1*), that:

i) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The approval of the variance would not be injurious to the public health, safety, morals, and general welfare of the community

ii) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

The value of the surrounding properties is not expected to decline or be otherwise reduced in value by permitting the variance.

i) Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

The variance appears to be the result of economic gain. This situation is self-imposed and a result of tenant requirements and developer layout of the entrances. However, the application of the sign ordinance must have flexibility in allowing for alternative standards in order to make a better overall project, particularly because of this being an outparcel to a larger master-planned project. The Council should balance between aesthetics of the new development and wayfinding of spaces within the development.

E. Comments

No Staff Comments

F. Recommendation:

Staff recommendation:

1. Section 9.29(1)(e) Wall Signs: Shall be a maximum area of two (2) square feet per one (1) linear foot of the primary tenant frontage façade and signs for secondary frontages shall be calculated at a rate of one (1) square foot per one (1) linear foot of the tenant façade, not to exceed three-hundred



(300) sf per sign, except under Sec.9.18. In the CMU zoning district or the CBD zoning district, sign area shall be based on one and one-half (1½) square feet per one (1) linear foot of the primary tenant facade. Sign area shall be subject to aggregate sign area per lot/parcel as specified in Table 9.1: Permanent Signs. **The applicant requests two (2) square feet per one (1) linear foot for the secondary signs for each outparcel.**

Recommendation: **DENIAL**

Reasons: The placement of non-primary signage is traditionally smaller than the primary, dominant signage. With each outparcel having a monument sign, wall sign and directional signs, staff has concerns of visual or “eye” pollution from an overabundance of signage on such a new, master planned development.

2. Section 9.29(1) Wall Signs: One (1) sign shall be permitted per building frontage on a public or private street”. The applicant proposes two wall signs per property.

Recommendation: **APPROVAL**

Reasons: No detriment could be found for providing a secondary wall sign.

Public Notifications:

As required by *Section 11.05* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on August 15th a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Public Response:

In response to the public notifications, one business owner has contacted the city to voice concern or support for the proposed actions. A letter and survey of his property has been included with the application materials.

Should you have any questions concerning the above comments please do not hesitate to contact me. I reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,



Fuqua BCDC Villa Rica Project Owner, LLC – Mirror Lake Boulevard

VA-07-23

August 9, 2023

Page 9 of 10

Ronald Johnson

Planning & Zoning Administrator

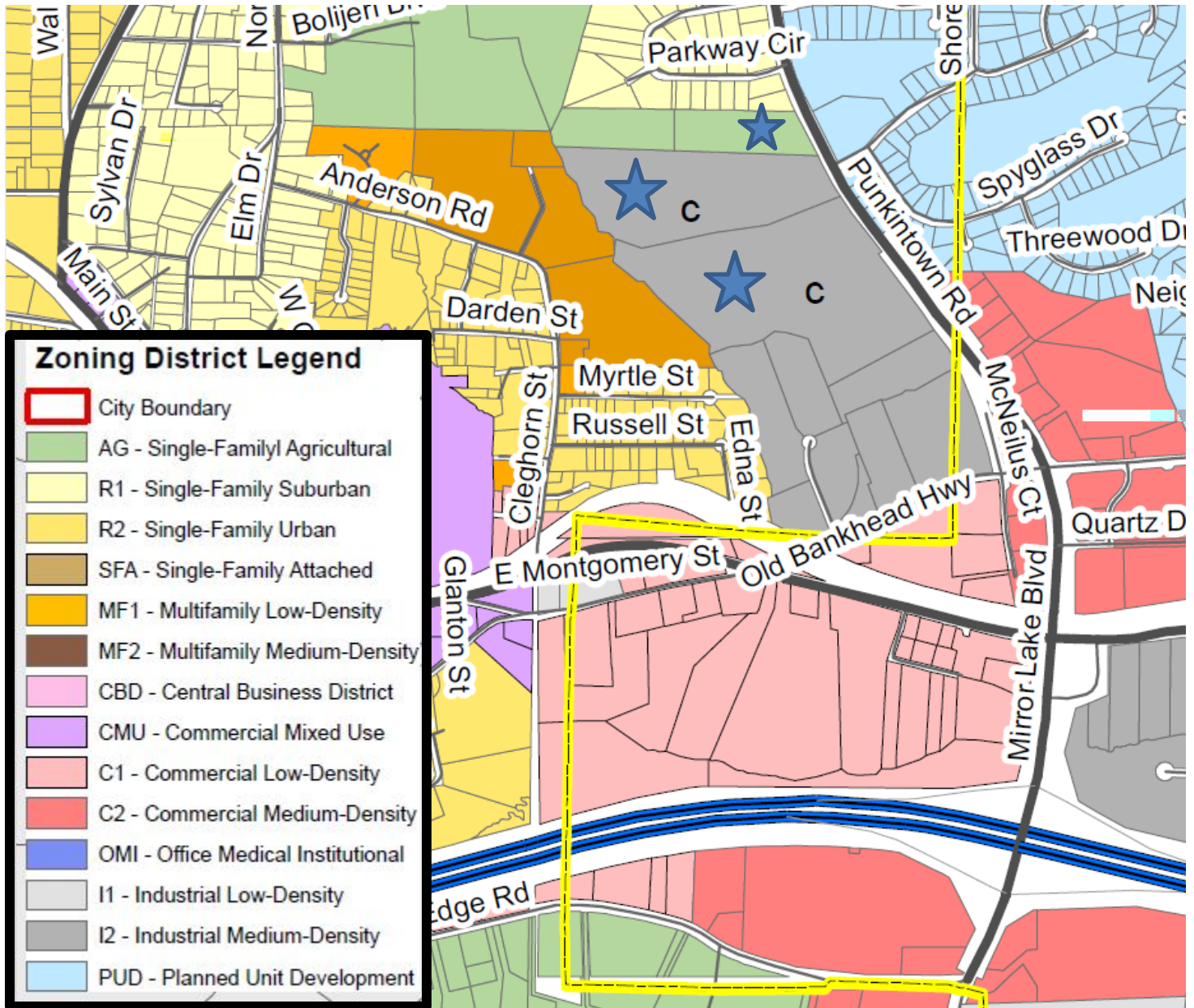
cc: Tom Barber, City Manager (via email)

Tracy Jarvis, Community Development Director (via email)

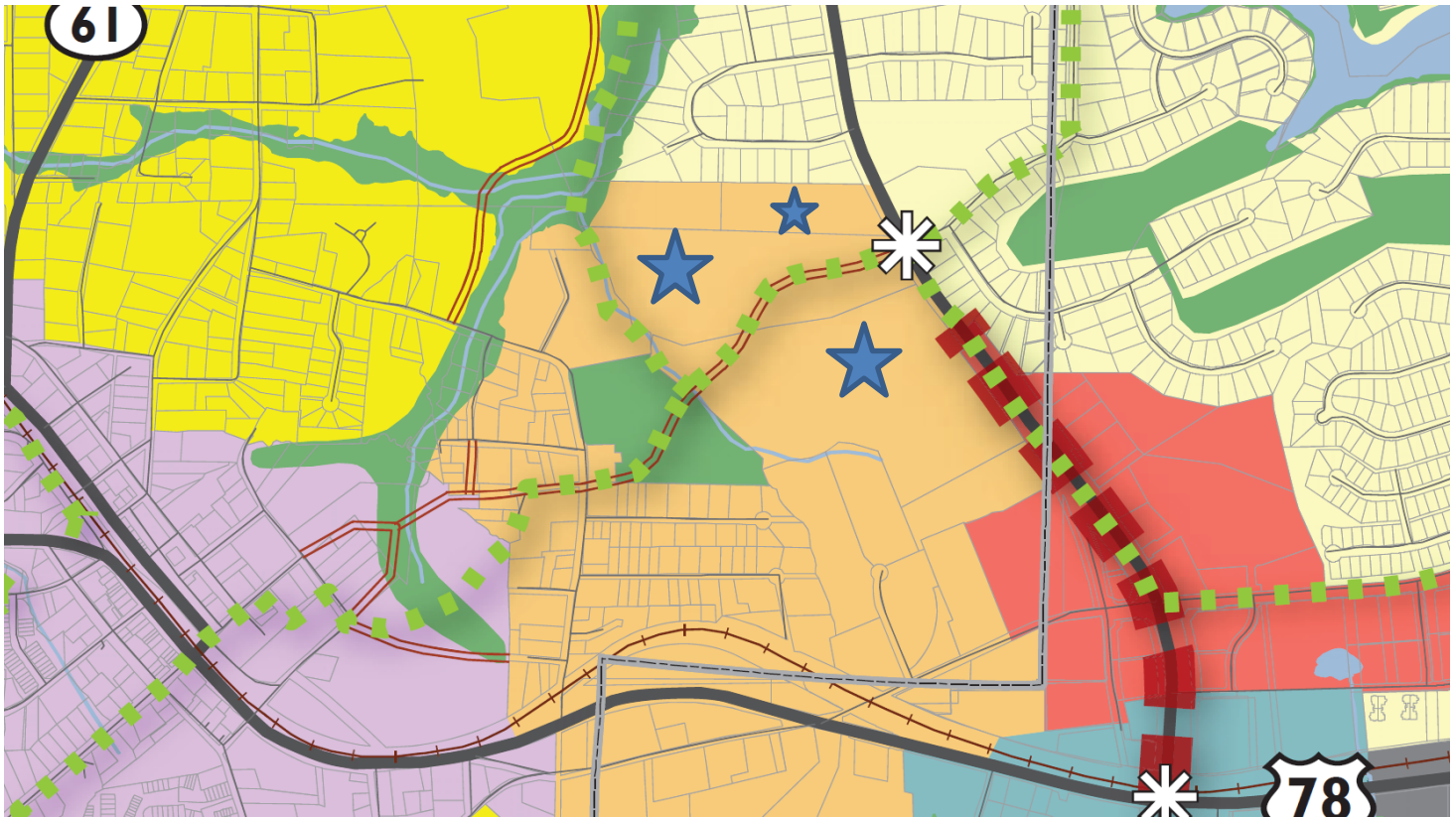


Corresponding Maps:

Villa Rica Zoning Map:



Villa Rica Future Land Use Map:



CHARACTER AREAS

-  CONSERVATION / OPEN SPACE
-  TRADITIONAL NEIGHBORHOOD
-  SUBURBAN NEIGHBORHOOD
-  URBAN VILLAGE
-  SUBURBAN VILLAGE
-  COMMUNITY CROSSROADS
-  I-20 GATEWAY
-  COMMERCIAL CORRIDOR

ACTIVITY CENTERS

-  DOWNTOWN
 INDUSTRIAL
 COMMERCIAL
 MEDICAL
 PROPOSED GREENWAY TRAIL
 PROPOSED ROAD PROJECTS
 URBAN GROWTH AREA
 CITY BOUNDARY





CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: VA-08-23 – Variance from Sections 7.02(26) and 8.09(4)(a) of the Villa Rica Zoning Ordinance

AGENDA DATE: September 12, 2023

DATE PREPARED: August 28, 2023

PREPARED BY: Ronald Johnson, Planning & Zoning Administrator

AMOUNT:

GL ACCOUNT #:

FUNDING SOURCE:

BUDGETED ITEM?

PUBLIC HEARING: YES

PURPOSE: GX Development, LLC seeks a variance from Section 7.02(26) to reduce the required minimum number of parking spaces; and a variance from Section 8.09(4)(a) to permit a drive-thru in the front yard area at 380 Mirror Lake Boulevard (Outparcel #5).

BACKGROUND: The applicant currently under contract for the parcel in question with the intent to construct a 4,200 SF convenience store and gas station (Circle K) and a 1,785 SF, 50-seat, quick service drive-thru restaurant. The purpose of the request is to permit a drive-thru in the Mirror Lake Connector front yard area (the parcel is a corner lot). The applicant explains that with other, conforming, drive-thru options, stacking spaces would block the northern entrance. The proposed configuration would permit two-way access to the rear of the building and maintain a menu board behind the building along with the majority of stacking spaces. The applicant also proposes to reduce the number of required parking spaces from 39 to 30. The applicant has not provided reasonings for the request. Therefore, staff has not reviewed the merits of the request.

STAFF RECOMMENDATION:

1. **Section 7.02(26) Off-Street Parking and Loading/ Table 7.4 Minimum Parking Space Required:** Convenience stores require 1 space per 300 SF and restaurants with a vehicular service window require a minimum of 1 space per 2 seats (50 seats). A total of 39 spaces are required. **The developer requests approval to construct 30 parking spaces.**

Recommendation: DENIAL

Reasons: The proposal is self imposed and is a result of the parcel being over capacity/overbuilt.

2. **Section 8.09(4)(a) Location:** Drive-in establishments/uses as accessory uses shall not be located within the front yard of the principal building. **The drive-thru window is located in the front of the building.**

Recommendation: **DENIAL**

Reasons: A drive-thru is not required for a restaurant to operate on-site and is therefore a requirement of the tenant only. The proposal is self-imposed and is a result of the parcel being over-capacity/overbuilt.

IMPACT: N/A

MOTION:

- (1) I move to deny the requested variance from Section 7.02(26) by GX Development, LLC, as presented.
- (2) I move to approve the requested variance from Section 8.09(4)(a) by GX Development, LLC, as presented.



August 16th, 2023

Theresa Campbell, City Clerk
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

Re: Planning Report
GX Development, LLC
VA-08-23
380 Mirror Lake Blvd (Outparcel #5)
Land Lot 176, District 2
Parcel #: V05 0180085, V05 0180062, V05 0180075
Acreage: 2.86
Ward: 1
City Council Member: Leslie McPherson
Planning Board Member: Tom Flowers
City of Villa Rica, Carroll County, Georgia

Dear Ms. Campbell:

GX Development, LLC (the Applicant) seeks two variances from zoning regulations in order to reduce the proposed minimum number of parking spaces required (Section 7.02(26)), and to permit a drive-thru in the front yard area (Section 8.09(4)(a)). The variances are detailed in Section D of this report.

The following documents, which were submitted in support of the Application, have been reviewed:

1. A proposed site plan, prepared by Haines, Gibson & Associates, signed and stamped by Stoney Abercrombie, PE, dated August 3rd, 2023 (1 page);
2. Variance Application, dated August 9th, 2023, signed by John Cowden (2 pages);
3. Applicant Written Statement, dated August 9th, 2023;
4. Letter of Authorization, dated August 10th, 2014, signed by Jeff Fuqua;
5. Quitclaim Deed, signed by Delena C. Condon and Clay C. Condon, and dated December 15th, 2022 (3 pages).



A. Existing Conditions

The subject property is located west of Mirror Lake Boulevard. The parcel has direct frontage (but no access) along Mirror Lake Boulevard and frontage along the proposed Mirror Lake Connector. The parcel is currently being graded.

The subject property is adjacent to a proposed Tidal Wave Carwash, a proposed bank, several proposed townhomes, and the Spyglass Hill section of Mirror Lake subdivision to the east across Mirror Lake Boulevard, all of which are in the city limits. No easements have been identified on the site plan.

Surrounding Properties:

TABLE 1 – ADJACENT ZONING AND LAND USE CHARACTER AREAS		
	Current Zoning	Land Use Character Area
North	Commercial Medium Density (C2)	Urban Village
East	Planned Unit Development (PUD)	Suburban Neighborhood
South	Commercial Medium Density (C2)	Urban Village
West	Single-Family Attached (SFA)	Urban Village



Figure 1: Carroll County GIS image of the site, with the property boundaries approximated.

B. Site History

Parcel A was developed with a single-family home in 1993 and is a part of Stonehenge subdivision. The entirety of Parcels B and C are vacant and have been vacant throughout their existence. The Unified Development Code (UDC) zoned Parcel A as Multi-Family (R14) and Parcels B and C as General Industrial (GI). Parcel A was rezoned in 2020 during the citywide rezoning from R14 to Single-Family Agricultural (AG), whereas Parcels B and C were rezoned from GI to Industrial Medium-Density (I2). In October 2021, the property was rezoned by request from Fuqua Acquisitions II, LLC to a split zoning consisting of Multifamily Medium-Density (MF2), Single-Family Attached (SFA) and Commercial Medium-Density (C2) in preparation for a new mixed-use development.

The parcels have been subject to four variance application requests that were granted. Several development regulations were granted for relief.



C. Proposed Development

The applicant currently under contract for the parcel in question with the intent to construct a 4,200 SF convenience store and gas station (Circle K) and a 1,785 SF, 50-seat, quick service drive-thru restaurant.

The site is currently in grading stages and will be outparcels to an 18.9-acre commercial shopping center, 255 townhome units, and 208 multi-family unit mixed-use development. The applicant had the properties rezoned in 2021. Parcel A was rezoned from AG to Single-Family Attached (SFA) and Commercial Medium-Density (C2); and rezoned Parcels B and C from I2 to SFA, C2 and MF2. Approximately 9.8 acres of the proposed development is zoned MF2, and 32.98 acres is zoned SFA. Of the commercial space proposed, a 60,000 sq. ft. grocer, 5,000 sq. ft. of retail space, and 10,000 sq. ft. of restaurant space is proposed within the anchor and shops parcel.

The purpose of the request is to permit a drive-thru in the Mirror Lake Connector front yard area (the parcel is a corner lot). The applicant explains that with other, conforming, drive-thru options, stacking spaces would block the northern entrance. The proposed configuration would permit two-way access to the rear of the building and maintain a menu board behind the building along with the majority of stacking spaces. The applicant also proposes to reduce the number of required parking spaces from 39 to 30. The applicant has not provided reasonings for the request. Therefore, staff has not reviewed the merits of the request.

As a part of constructing the project, the master developer, Fuqua, previously applied for thirteen (13) variances for the commercial portion of the development.

Flood Plain

A stream (identified as Town Branch on FEMA maps) forms the western boundary of the wider development. Figure 2, below, indicates the flood zone map for the property:



National Flood Hazard Layer FIRMette

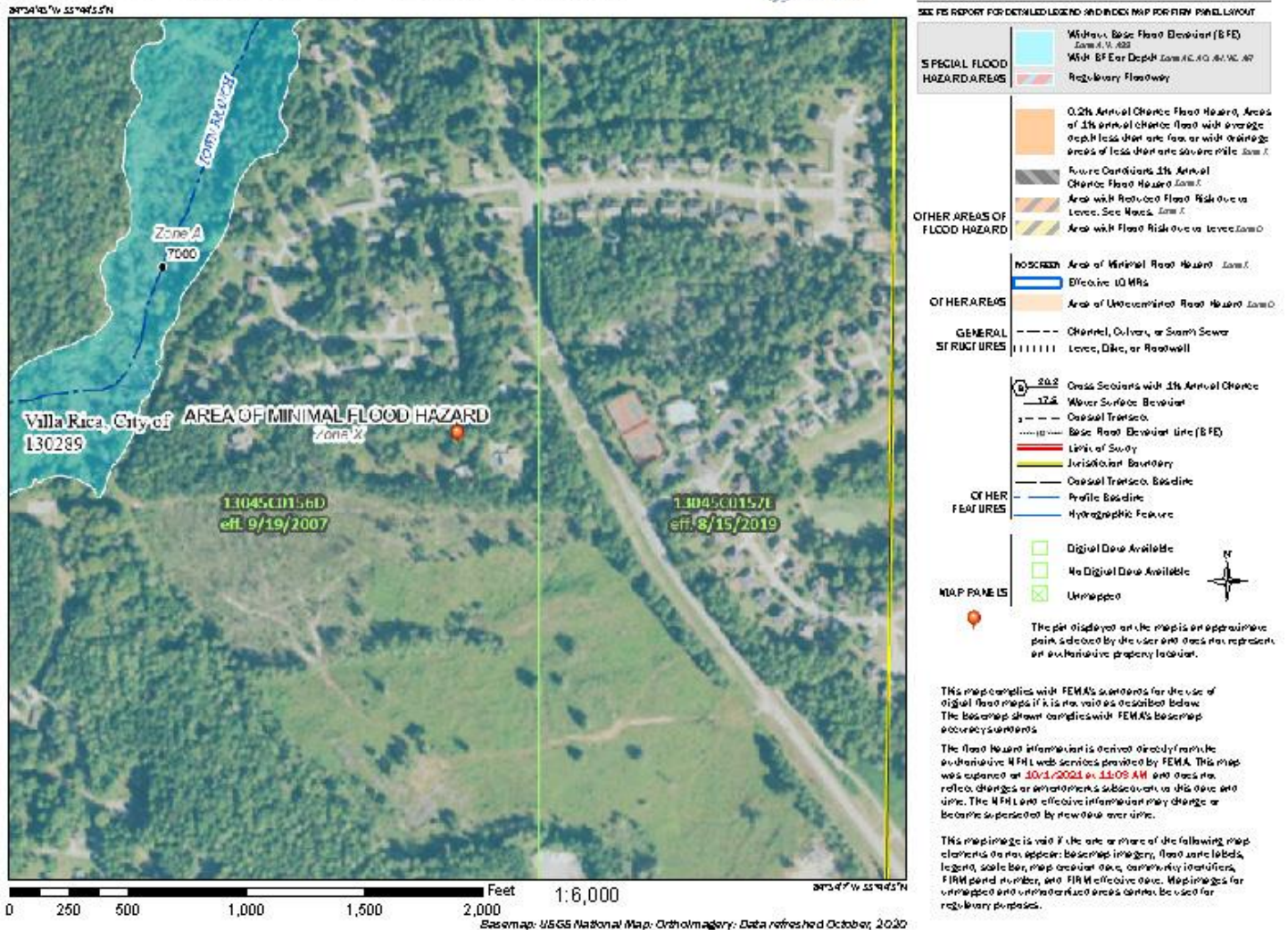


Figure 2: National Flood Hazard Layer FIRM Map 13045C0158D

D. Variances

The developer has requested variance relief from the sign ordinance as outlined below. The applicant has stated the primary reason for not complying with the sections of the sign ordinance is because of the “integrated/wholistic nature of the project” and that vehicular traffic will be entering the lots from the access drives.

The Applicant has requested variance relief for the following:

1. Section 7.02(26) Off-Street Parking and Loading/ Table 7.4 Minimum Parking Space Required: Convenience stores require 1 space per 300 SF and restaurants with a vehicular



service window require a minimum of 1 space per 2 seats (50 seats). A total of 39 spaces are required.

The developer requests approval to permit 30 parking spaces.

2. Section 8.09(4)(a) Location: Drive-in establishments/uses as accessory uses shall not be located within the front yard of the principal building.

The applicant proposes to place the drive-in in the Mirror Lake Connector front yard area.

Proofs for Variances

In review of the variance requested for the development, the “benefits vs. detriments” of such an approval was reviewed in addition to the purposes of the Comprehensive Plan. The purposes of the request were not made clear regarding the need to reduce parking. The applicant has, however advised of the purposes behind the need for the drive-thru in the front yard area, and according to the applicant, stems from the layout of the parcel. Staff could not identify any benefits from an approval of the requested variance. The site appears to be over capacity. Although the area is proposed to be pedestrian oriented with multi-use and golf cart paths, the gas station use and drive thru are purpose-built for primarily vehicular traffic. The variances appear to stem from the on-site restaurant use, as the drive-thru is a vestige of that use, and the majority of the parking demand stems from this use, although it takes up less than half of the lot area of the adjacent convenience store. Although the restaurant could exist without the drive-thru, it would still fail to meet the required number of parking spaces. Alternatively, the convenience store could be reduced in size to reduce the number of spaces, which may help in providing alternatives for the drive-thru to be compliant.

The Future Land Use Plan prescribes “Industrial Activity Center” and “Conservation/Open Space” as future land uses for the parcels. The intent of the Industrial Activity Center is as follows:

“The Industrial Activity Centers are characterized by large building footprints and lots usually in excess of five (5) acres, where truck access is of primary concern. The Activity Centers may include landscaped roadways and uniform signage to create a cohesive industrial setting. Preservation and expansion of existing industrial development should respect adjacent land uses and existing development patterns (including building placement, lighting, site features, streetscape, etc.). When feasible, campus-style industrial developments are encouraged, with an emphasis on high quality construction and design and inter-connectivity.”

The existing development pattern in the area is not consistent with the Comprehensive Plan from a use, density and site development standpoint. The variances would further deviate from the Comprehensive Plan.



Variance Decision Criteria

In taking action on all variance requests, the Council shall use the following decision criteria, consistent with the requirements of the Georgia Code.

a) Development Standards Variance. The Council may grant a variance from the development standards of this ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with O.C.G.A. 36-66-1), that:

i) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The approval of the variance would not be injurious to the public health, safety, morals, and general welfare of the community

ii) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

The value of the surrounding properties is not expected to decline or be otherwise reduced in value by permitting the variance.

i) Practical Difficulty. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

The variance appears to be the result of economic gain. This situation is self-imposed and a result of tenant requirements and conclude that ,with the uses as proposed on the lot, the parcel is overdeveloped or over capacity.

E. Comments

No Staff Comments

F. Recommendation:

Staff recommendation:

1. Section 7.02(26) Off-Street Parking and Loading/ Table 7.4 Minimum Parking Space Required: Convenience stores require 1 space per 300 SF and restaurants with a vehicular service window require a minimum of 1 space per 2 seats (50 seats). A total of 39 spaces are required.

Recommendation: **DENIAL**

Reasons: The proposal is self imposed and is a result of the parcel being over capacity/overbuilt.

2. Section 8.09(4)(a) Location: Drive-in establishments/uses as accessory uses



shall not be located within the front yard of the principal building.

Recommendation: DENIAL

Reasons: A drive-thru is not required for a restaurant to operate on-site and is therefore a requirement of the tenant only. The proposal is self-imposed and is a result of the parcel being over-capacity/overbuilt.

Public Notifications:

As required by *Section 11.05* in the Code of the City of Villa Rica, the public has been notified in *Times-Georgian* on August 21st, a sign has been posted on the subject properties; and all abutting property owners have received notification via regular and certified mail.

Public Response:

In response to the public notifications, no correspondence has been received in objection or support of the variances.

Should you have any questions concerning the above comments please do not hesitate to contact me. I reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Very truly yours,

Ronald Johnson

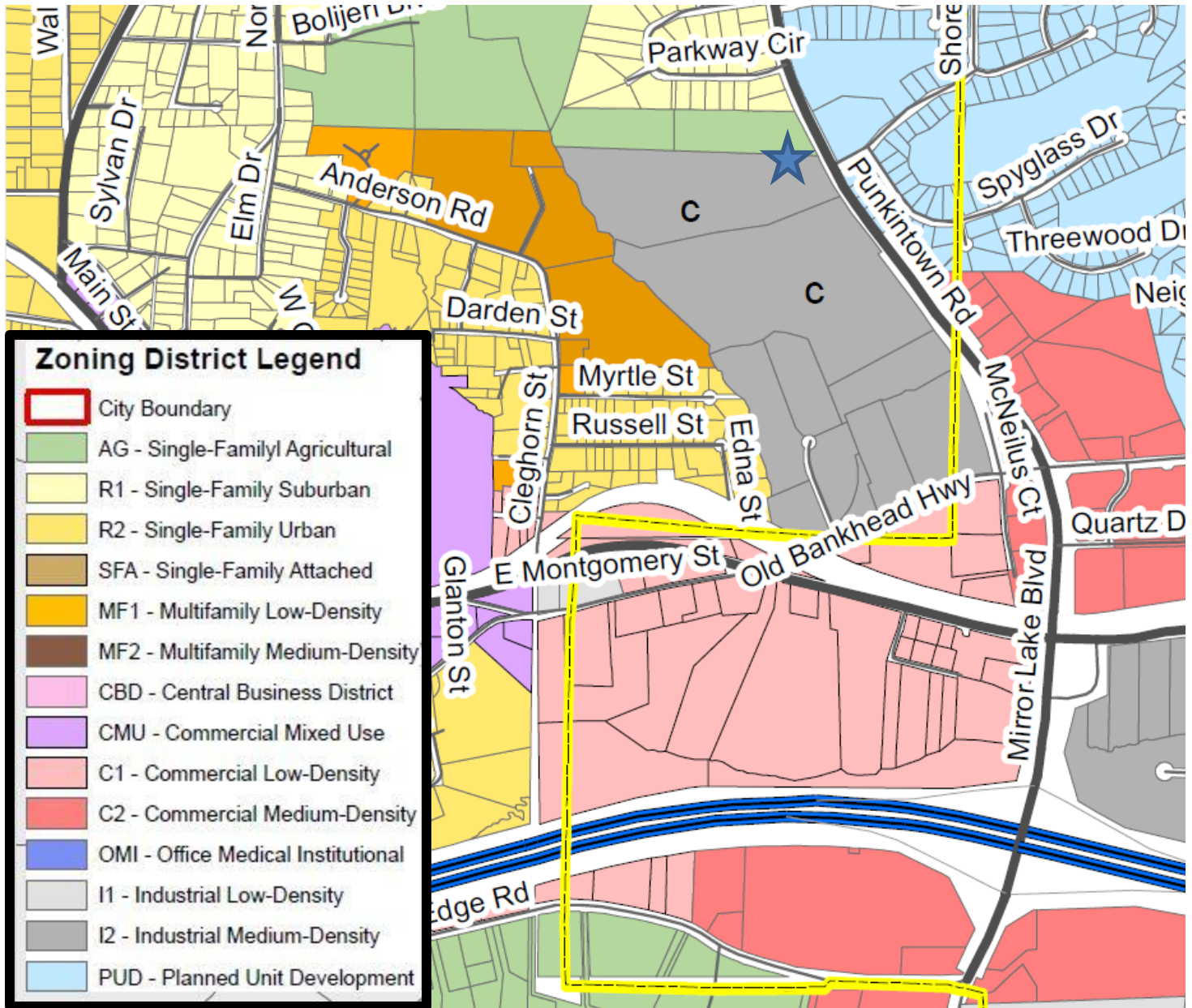
Planning & Zoning Administrator

cc: Tom Barber, City Manager (via email)
Tracy Jarvis, Community Development Director (via email)



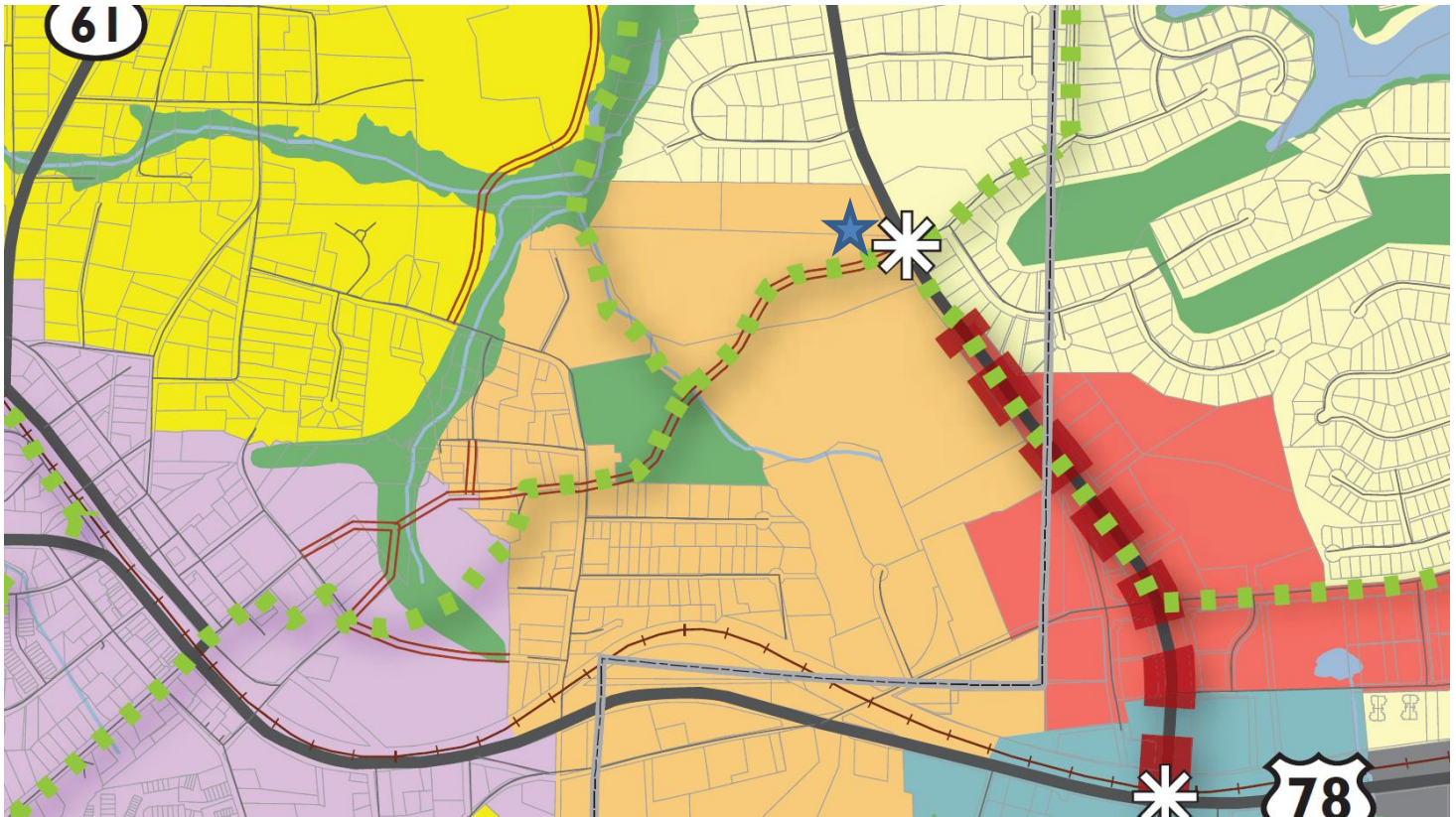
Corresponding Maps:

Villa Rica Zoning Map:





Villa Rica Future Land Use Map:



CHARACTER AREAS

-  CONSERVATION / OPEN SPACE
-  TRADITIONAL NEIGHBORHOOD
-  SUBURBAN NEIGHBORHOOD
-  URBAN VILLAGE
-  SUBURBAN VILLAGE
-  COMMUNITY CROSSROADS
-  I-20 GATEWAY
-  COMMERCIAL CORRIDOR

ACTIVITY CENTERS

-  DOWNTOWN
-  INDUSTRIAL
-  COMMERCIAL
-  MEDICAL
-  PROPOSED GREENWAY TRAIL
-  PROPOSED ROAD PROJECTS
-  URBAN GROWTH AREA
-  CITY BOUNDARY





APPLICATION FOR
VARIANCE/APPEAL

☐ APPEAL ☒ VARIANCE

The procedure for requesting a Variance or filing an Appeal is set forth in Section 2.03.J and 2.03.K respectively, of the Unified Development Code (UDC). Generally, the amendment process involves review by the Community Development Manager and City Council.

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed. Also, please note the required information requested on the back of this page.

Date of Application: 8-9-2023

APPLICANT

Applicant Name: GX Development LLC

Address: 1575 Northside Drive NW St 470 City: Atlanta State: GA Zip: 30318

Phone: (423) 618-2773 Fax: () - Email: JohnC@devexp.net

Agent Name: John Cowden

Address: 1575 Northside Drive St. 470 City: Atlanta State: GA Zip: 30318

Phone: (423) 618-2773 Fax: () - Email: JohnC@devexp.net

Owner Name (If different from applicant): FUQUA BCDC VILLA RICA PROJECT OWNER, LLC

Address: 3575 Piedmont Rd NE, Ste 300 City: Atlanta State: GA Zip: 30305

Phone: (404) 410-2579 Fax: () - Email: JEFF.FUQUA@FUQUADEV.COM

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

VARIANCE OR APPEAL INFORMATION

Address of Variance or Appeal Location: _____

380 MIRROR LAKE BLVD.

I, John Cowden, hereby state that all of the above statements and statements contained in the documents submitted with this application are true. I hereby request processing of this application.

John Cowden
Signature of Applicant

8-9-23
Date



CASE # _____
VARIANCE/APPEAL

Required Materials to Accompany the Application

The Community Development Manager may waive informational requirements upon finding that the information is not required to determine compliance with UDC requirements.

Variance:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
2. A site plan demonstrating the requested variance, showing the affected property, adjacent property, zoning and existing land use;
3. A statement of why the variance is necessary;
4. A statement as to how the applicant's request satisfies each required finding;
5. A listing of the owners of property within 250 feet of the subject property and the mailing addresses for said owners on file with the County Assessor; and
6. Any other exhibits as may be required by the Community Development Manager.

Appeals from Staff Determinations:

1. Copy of deed, lease, option agreement or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment;
2. A statement as to why the applicant believes the Staff's determination is contrary to the intent and requirements of the Code; and
3. Any other exhibits as may be required by the Community Development Manager.

Return Form to:
Planning & Zoning
Office of Community Development
City of Villa Rica
571 West Bankhead
Villa Rica, GA 30180

678.785.1004 (T)
770.459.7003 (F)

For Department Use Only

Case No: _____

Filing Fee: _____

Date Received: _____

Pre-Application Conf: _____

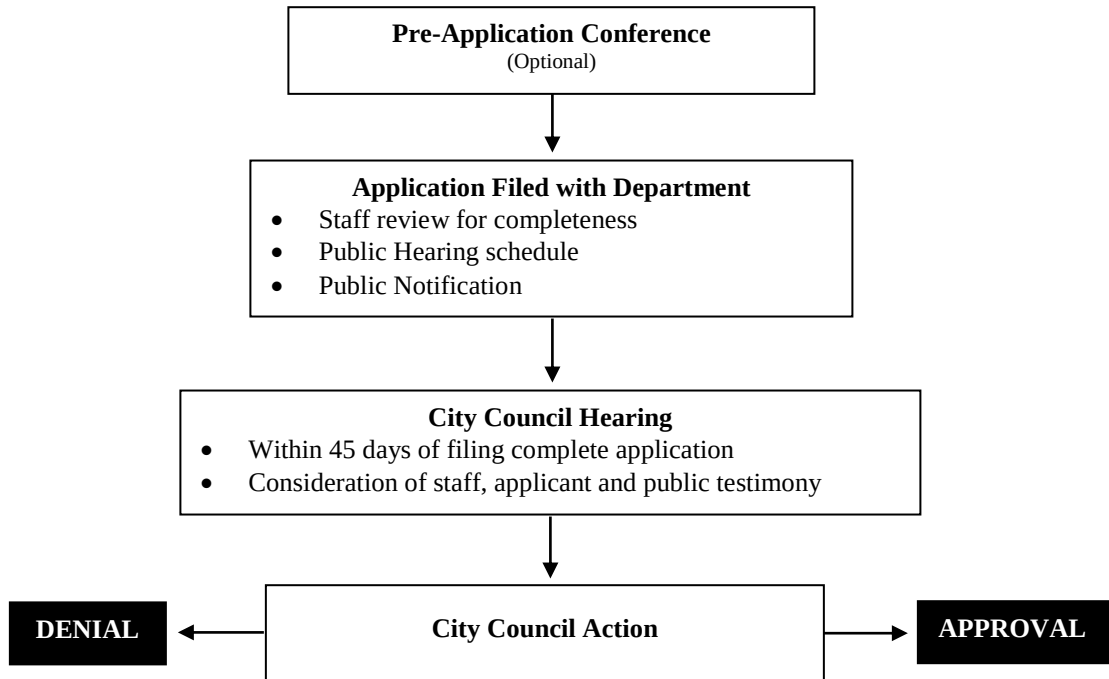
Staff Comments/Findings: _____

Action and Date: _____



CASE # _____
VARIANCE/APPEAL

PROCESS



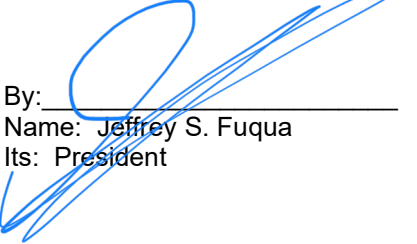
LETTER OF AUTHORIZATION

Parcel ID: LL/176 District 2
Address: 380 Mirror Lake Blvd, Villa Rica GA 30180

I authorize John Cowden of GX Development, LLC, and/or Jody Williams of Hendon & Huckestein Architects PC or Stoney Abercrombie of Haines, Gipson and Associates to apply for all necessary building permits, land use permits and variances on our behalf as necessary for the development of their project.

OWNER:

Fuqua BCDC Villa Rica Project Owner, LLC, 
a Georgia limited liability company

By: 
Name: Jeffrey S. Fuqua
Its: President

Owner Address:

Fuqua BCDC Villa Rica Project Owner, LLC
c/o Fuqua Development, L.P.
3575 Piedmont Rd., NE, Suite 800
Atlanta, GA 30305

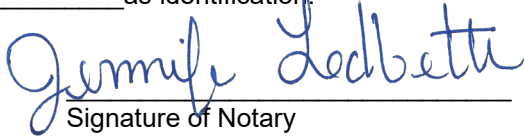
State of Georgia

County of Fulton

The foregoing instrument was certified and subscribed before me this 10th day of August, 2014 by Jeff Fuqua who is personally known to me or who has produced _____ as identification.

(seal)




Signature of Notary

Jennifer Ledbetter
Print Name of Notary

Property Address	Parcel ID Number	Owner Name	Owner Mailing Address
1000 SHORELINE PKWY	V05 0110090	MIRROR LAKE COMM ASSOC	1000 SHORELINE PKWYVILLA RICA, GA 30180
9861 SPYGLASS DR	V05 0110136	REID DAWN N	16501 PARK STREETLIVONIA, MI 48154
9851 SPYGLASS DR	V05 0110135	BROWN EDWARD E JR	9851 SPYGLASS DRVILLA RICA, GA 30180

Villa Rica
Carroll County, Georgia

Circle K
380 Mirror Lake Blvd.
Written Statement
August 09, 2023

Project Description:

The Proposed Circle K (gas station) and restaurant project is on a 2.86 acre parcel. This parcel is Zoned Medium Density Commercial (C-2). This development is outparcel #5 in the Fuqua Development Project (Villa Rica Retail). This project will consist of a C-store at 4,200 s.f. with 6 gas pumps, it will also contain a Restaurant space of 1,785 s.f. that will contain a drive thru pick up window.

Variation requests:

GX Development LLC is requesting the following variances per the City of Villa Rica, Georgia Article 3-Zoning Code adopted March 13, 2023. The site plan submitted with this application (the "Site Plan") is provided to indicate the location of the variances.

1. Sec. 7.02(26). – Off-Street parking and loading. Table 7.4 Minimum Parking Space Requirements

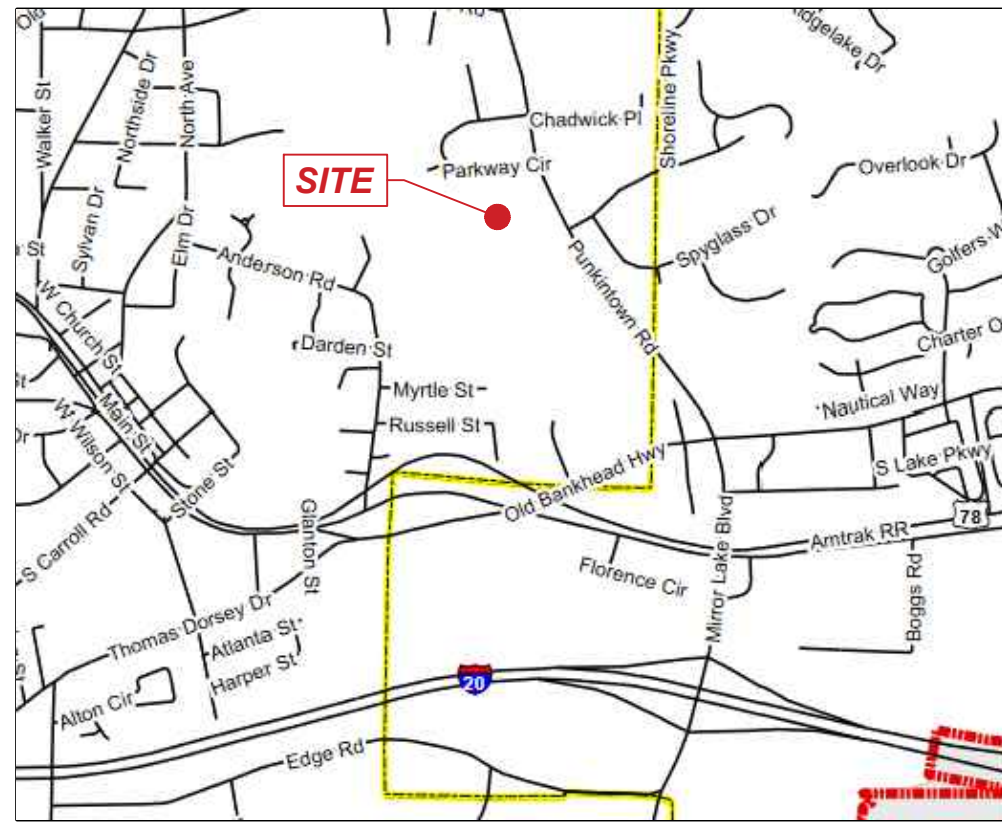
A variance is being requested to reduce the proposed parking below the City Villa Rica code minimum.

According to the Villa Rica code stated above – Convenience Store minimum parking required is 1 space per 300 s.f., and a Restaurant (50 seats) with a vehicular Service window minimum parking required is 1 space per 2 seats. The City Minimum required parking for this site is 39 parking spaces. The current site plan is providing 30 parking spaces.

2. Sec. 8.09(4)(a) – Location, Drive-in establishments/uses as accessory uses shall not be located within the front yard of the principal building.

A variance is being requested to allow the pick up window to remain facing a front yard.

There were many options looked at for the drive thru window at this location. With these options we ran into stacking issues blocking up the entrance into the site from the north, and maintaining ease of access around the building for food and gas deliveries. The proposed drive thru window location currently allows us to maintain all the stacking and the order board behind the building. It also allows two way access to the rear of the building. Which improves deliveries of the food and gas to this facility.



LOCATION MAP

GENERAL SITE NOTES:

- OWNER/DEVELOPER: GX DEVELOPMENT, LLC
1575 NORTHSIDE DR. BLDG. 400, SUITE 470
VILLA RICA, GA 30318
- SITE IS LOCATED AT THE 380 MIRROR LAKE BLVD. VILLA RICA, GA 30180, PARCEL #s PARCEL, CITY OF Villa Rica, Douglas, GA, AND CONSISTS OF ±2.86 ACRES.
- THE SITE IS ZONED C-2 PROPOSED USE IS MIXED-USE DEVELOPMENT CONSISTING OF MULTIFAMILY RESIDENTIAL AND COMMERCIAL.
- ALL DIMENSIONS AND RADII ARE TO/FROM THE FACE OF CURB, EDGE OF ASPHALT, AND/OR THE OUTSIDE FACE OF THE BUILDING WALL UNLESS OTHERWISE STATED. ALL RADII DIMENSION ADJACENT TO PARKING SPACES ARE 3' UNLESS OTHERWISE NOTED.
- ALL NEW CONSTRUCTION SHALL CONFORM TO THE LATEST REQUIREMENTS OF THE AMERICAN DISABILITIES ACT (A.D.A.). SEE ARCHITECTURAL DWGS. FOR STRUCTURE COMPLIANCE.
- ALL SIGNAGE TO BE PERMITTED UNDER SIGN REGULATIONS IN EFFECT AT TIME OF SIGN PERMIT APPLICATION SUBMITTAL.
- UNLESS OTHERWISE NOTED, ALL PAVEMENT IS TO BE STANDARD DUTY ASPHALT.
- TYPICAL PAVEMENT SECTION FOR THE NEW PAVEMENTS ARE INCLUDED IN THE CONSTRUCTION DETAIL SHEETS.
- ALL CONSTRUCTION TO CONFORM TO VILLA RICA STANDARDS AND SPECIFICATIONS WHETHER OR NOT REVIEW COMMENTS WERE MADE.
- ALL PAVEMENT MARKINGS, STRIPING, AND SIGNAGE SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE LOCAL JURISDICTION, THE STATE D.O.T., AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- PROVIDE TRAFFIC CONTROL AS REQUIRED, IN ACCORDANCE WITH THE U.S. DEPT. OF TRANSPORTATION "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES" AND GOVERNING MUNICIPALITY REQUIREMENTS.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS AND BONDS AS DEEMED NECESSARY BY THE LOCAL AUTHORITY.
- CONTRACTOR SHALL CONTACT ALL APPLICABLE LOCAL AUTHORITIES PRIOR TO ANY CONSTRUCTION ACTIVITY WITHIN THE RIGHT-OF-WAY TO OBTAIN THE APPROPRIATE PERMITS.
- THERE ARE NO WETLANDS PRESENT ON THE PROPOSED SITE.
- THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1304500156D, AND THE DATE OF SAID MAP IS 09/19/2007. THIS DETERMINATION WAS MADE BY GRAPHICALLY LOCATING THE POSITION OF THE SUBJECT SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

TOTAL SITE AREA = ±2.86 ACRES

EXISTING/PRE-DEVELOPED:
IMPERVIOUS AREA = ±0.45 AC.
PERVIOUS AREA = ±2.41 AC.

POST-DEVELOPED:
IMPERVIOUS AREA = ±1.74 AC.
PERVIOUS AREA = ±1.12 AC.

RIGHT-OF-WAY NOTES:

- ALL ROADWAY / WALKWAY UTILITY CROSSINGS ARE TO BE BORED AND CASED. ANY ROAD OPEN CUTS ARE TO BE SUBMITTED, REVIEWED, AND PERMITTED TO DOT UTILITY DIVISION UNDER SEPARATE PERMIT. CONTACT DOT UTILITIES FOR PERMIT PROCESS
- ANY DRIVE, ACCESS, SIDEWALK / SHOULDER CROSS-SLOPE, IN THE R/W, IS TO MATCH THE STD. 1/4" PER L.F. (2.0% PER A.D.A.).

LEGEND

EXISTING EDGE OF PAVEMENT	
EXISTING CURB & GUTTER	
EXISTING BUILDING	
PROPOSED CONCRETE CURB & GUTTER	
PROPOSED BUILDING	
PROPOSED RETAINING WALL	
PROPERTY LINES	
PROPOSED COMPACTOR BUILDING	
PROPOSED PAINTED CROSSWALK	
PROPOSED DECORATIVE CROSSWALK	
PROPOSED SIGNAGE	
PROPOSED SIGNAGE SYMBOLS	
PROPOSED HANDICAP RAMPS	
PROPOSED CONCRETE SIDEWALKS	
PROPOSED HEAVY DUTY CONCRETE	



Georgia 811
One-Call System
Dial 811
Or Call 800-252-4111

CAUTION-NOTE TO CONTRACTOR
The contractor shall be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction (L.A.H.J.) for the proposed project. The contractor shall also be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction (L.A.H.J.) for the proposed project. The contractor shall also be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction (L.A.H.J.) for the proposed project.

PROPOSED BLDG.	BLDG. SQ. FT.	SEATS	REQUIRED PARKING	PROVIDED PARKING	PARCEL AREA
C-STORE	4,200		14	12	
REST.	1,785	50	25	18	
TOTAL	5,985		39	30	2.88 AC

C-STORE WITH PUMPS 1SP/300 s.f.
RESTAURANT W/ DRIVE THRU 1SP/2 SEATS

NOTE: PAINT STRIPING IN ALL PARKING LOT AND PAVEMENT PARKING LOT AND PAVEMENT AREAS SHOULD BE CONSTRUCTED WITH A PAINT PRODUCT THAT PROVIDES A HIGH SLIP-RESISTANT FINISH AND PREVENTS INDIVIDUALS FROM SLIPPING WHEN STEPPING ON THE STRIPING IN BOTH WET AND DRY CONDITIONS.

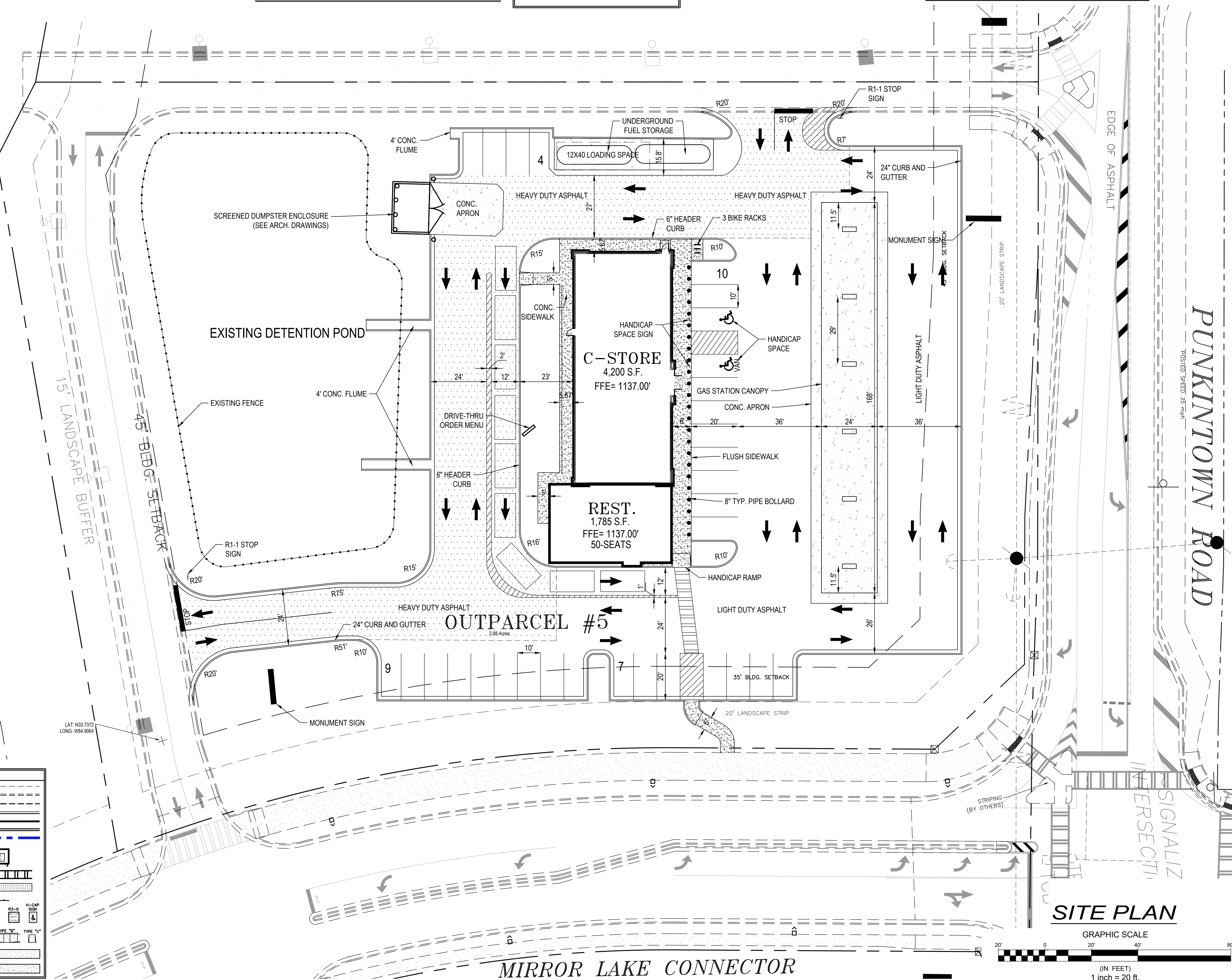
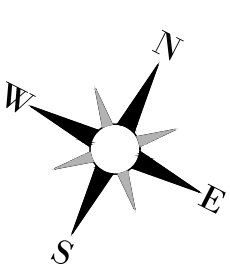
GENERATOR SITING NOTE (per Grocery SDM 1-52): THE PROPOSED LOCATION OF STORAGE TANK(S) AT THE SUBJECT SITE IS NOT WITHIN 500 FEET OF ANY EXISTING COMMUNITY WATER SUPPLY WELL, NOT WITH 500 FEET OF ANY EXISTING NON-TRANSIENT, NON-COMMUNITY WATER SUPPLY WELL, AND NOT WITHIN 100 FEET OF ANY OTHER MUNICIPAL WATER SUPPLY WELL.

SEE LANDSCAPE AND HARDSCAPE PLANS FOR EXACT SIDEWALK LAYOUT, HARDSCAPE PLAN, DISPOSITION OF CONCRETE SIDEWALK OR OTHER SURFACE TREATMENT, LANDSCAPE AREAS, AND GRASSED AREAS.

NOTE: PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF POTHoles, WEEDS, DUST, TRASH, AND DEBRIS.

NOTE: SEE SHEET C-10.3 FOR ALL ASPHALT AND CONCRETE DESIGNS PER THE GEOTECH REPORT.

- Developer: GX DEVELOPMENT, LLC
1575 NORTHSIDE DR. BLDG. 400, SUITE 470
ATLANTA, GA 30318
CONTACT: JOHN COWDEN
PHONE: (423) 618-2773
- Civil Engineer: HAINES, GIPSON & ASSOCIATES, INC.
1550 NORTH BROWN ROAD, SUITE 100
LAWRENCEVILLE, GEORGIA 30043
PHONE: 770-491-7550



SITE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.



A PROJECT OF:
GX DEVELOPMENT, LLC

VILLA RICA CIRCLE K
380 MIRROR LAKE BLVD.
VILLA RICA, GA 30180

NO.	BY	DATE	DESCRIPTION
00	SCA	8/3/23	GSWCC COMMENTS
DRAWN BY: SCA			
CHECKED BY: SCA			
DATE: 05/30/2023			
SHEET TITLE: SITE PLAN			
SHEET NUMBER: C-1.0			



CITY OF VILLA RICA

City Council Packet

SUBJECT: Public Hearing Announcing an End to 2023 Comprehensive Planning Activities

CITY COUNCIL AGENDA DATE: September 12th, 2023

DATE: August 28th, 2023

PREPARED BY: Ronald Johnson; Planning and Zoning Administrator

FISCAL IMPACT: \$0.00

ANNUAL –

CAPITAL –

OTHER –

PUBLIC HEARING: YES

PURPOSE: To announce the completion of the comprehensive planning process as required by state law and debut of the final draft of the 2023-2028 Comprehensive Plan.

BACKGROUND: The city is required to adopt a revised Comprehensive Plan and Future Land Use Map every five (5) years. The current Comprehensive Plan was completed in 2018 and expires on October 31, 2023. Three Rivers Regional Commission has completed an initial draft of the Comprehensive Plan for review. The Comprehensive Plan is scheduled to be up for adoption by staff at the October 2023 City Council meeting. Staff and Three Rivers organized at least four (4) steering committee meetings and a community survey that were used to gather information on the proposed contents.

STAFF RECOMMENDATION: NO ACTION NECESSARY

IMPACT: The state required public hearing will be fulfilled.

MOTION: N/A. NO ACTION NECESSARY

State of Georgia
City of Villa Rica



RESOLUTION

Be it resolved that the 2024 Operating & Capital Budget be as follows:

General Fund	\$ 20,493,159
Federal Seizures Fund	1,000
State Seizures Fund	1,000
American Rescue Plan Act	-
Hotel/ Motel Tax Fund	546,740
Cemetery Fund	27,480
Court Technology Fee	30,000
Self-Funded Insurance	2,267,014
VR Public Facilities Authority	2,406,581
2015 Carroll Co SPLOST	29,366
2016 Douglas Co SPLOST	1,126,942
Capital Projects - Roads	586,988
Capital Projects - Grants	3,743,088
Capital Projects - Gen Fund	845,331
Water and Sewer Fund	11,536,250
Solid Waste Fund	1,771,600
Stormwater Fund	289,168
Total	<u>\$ 45,701,707</u>

Adopted by Villa Rica City Council this 12th day of September 2023.

Gil McDougal, Mayor

Theresa Campbell, City Clerk



**CITY OF VILLA RICA
FINANCIAL UPDATE
July 2023**

CASH	07-31-2022	07-31-2023	+Incr / -Decr
Total Cash	\$ 32,138,545	\$ 31,448,002	-2%
General Fund	\$ 9,238,926	\$ 7,749,995	-16%
Water/Sewer Fund	\$ 10,106,636	\$ 4,415,803	-56%
Sanitation/Solid Waste	\$ 236,767	\$ 219,211	-7%
Mirror Lake Connector*	\$ -	\$ 3,504,198	
2015 Carroll SPLOST	\$ 1,178,349	\$ 501,827	-57%
2016 Douglas SPLOST	\$ 2,918,004	\$ 4,036,295	38%
2021 Carroll SPLOST	\$ 5,988,378	\$ 7,458,544	25%
2022 Douglas SPLOST	\$ -	\$ 311,847	

*Temporary cash transfer to Mirror Lake Connector from General Fund and Water/Sewer Fund

Hotel / Motel Tax

	July 2022	July 2023	
	YTD Amount	YTD Amount	
Oct - Dec	\$ 40,812	\$ 42,029	3%
Jan - Mar	97,460	100,073	3%
Apr - Jun	113,200	123,434	9%
Jul	40,285	46,442	15%
	\$ 291,757	\$ 311,978	7%

BUSINESS ACTIVITY - YEAR TO DATE

WATER/SEWER	July 2022	July 2023
Water Revenue	\$ 2,924,267	\$ 3,150,655
Sewer Revenue	3,810,577	3,925,589
Water & Sewer Taps	857,350	1,158,900
Misc. Revenue	179,946	484,388
Transfers In*	6,002,007	12,682
Total Revenue	\$ 13,774,147	\$ 8,732,214
Utility Administrator	\$ 372,031	\$ 332,760
Sewer Expenses	1,856,893	1,525,342
Water Expenses	1,121,148	1,315,088
Dist./Coll. Expenses	780,982	859,597
Interest/Fiscal Agent Expense	2,079	2,308
Depreciation	1,385,000	1,439,870
Transfers Out - Debt Service	1,844,877	2,307,072
Transfers Out - General Fund	1,091,448	1,146,750
Total Expenses	\$ 8,454,458	\$ 8,928,788
Net Income (Loss)	\$ 5,319,690	\$ (196,574)

*FY22 includes American Rescue Plan Act (ARPA) funds = \$6m

SELF-FUNDED INSURANCE

BANK BALANCE \$1,683,805

Contributions	Expenses	Savings
Employer + Employee+Misc	Admin + Claims Paid	Difference
Oct - Dec '22 576,726	Oct - Dec '22 403,751	172,975
Jan - Mar '23 579,406	Jan - Mar '23 436,606	142,800
Apr - Jun '23 577,873	Apr - Jun '23 471,679	106,194
Jul '23 194,907	Jul '23 120,043	74,864
TOTALS \$ 1,928,912	\$ 1,432,079	\$ 496,833

GROWTH

	July 2022	July 2023
<i>Residential</i>	# YTD Amount	# YTD Amount
Building Permits	66 \$ 88,981	56 \$ 129,132
Water Taps	83 \$ 124,500	68 \$ 104,500
Sewer Taps	83 \$ 332,000	67 \$ 268,000

OTHER HIGHLIGHTS

	July 2022	July 2023
	One Month	One Month
Carroll Co Sales Tax	\$ 181,056	\$ 200,613
Douglas Co Sales Tax	\$ 163,139	\$ 172,002

**SANITATION/
SOLID WASTE**

	July 2022	July 2023
Sanitation Revenue	\$ 894,777	\$ 1,002,667
Solid Waste Revenue	370,648	385,401
Transfers In/Misc.	45,473	51,151
Total Revenue	\$ 1,310,898	\$ 1,439,219
Sanitation Expenses	\$ 755,928	\$ 862,902
Solid Waste Expenses	368,777	416,570
Depreciation	54,167	58,330
Transfers Out - General Fund	50,051	45,130
Total Expenses	\$ 1,228,923	\$ 1,382,932
Net Income (Loss)	\$ 81,975	\$ 56,287