

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

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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.


City Clerk Theresa Campbell


Mayor Gil McDougal