

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

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: ALISA DOYAL
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, January 11, 2022 | 6:00 pm

Meeting Call to Order (Mayor Gil McDougal)

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

Present: Councilwoman Shirley Marchman, Councilman Danny Carter, Councilwoman Leslie McPherson, and Councilman Matthew Momtahan and Councilwoman Anna McCoy

Invocation: Pastor Richard D. Dobbs, Overcomers Christian Center

Pledge of Allegiance: Officer Stephen Ellinas, Villa Rica Police Department

Ceremonial Presentations (Mayor & Council)

- Re-Elected Councilwoman Leslie McPherson and Councilman Danny Carter were sworn in by City Attorney David Mecklin
- Elected Councilwoman Anna McCoy was sworn in by Mayor Gil McDougal
- Recognition of Deborah Snipes Littleton for 5 Years with Customer Service

Adoption of Agenda (Mayor Gil McDougal)

Councilman Danny Carter moved to adopt the agenda as presented.

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

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.)

The following citizens came forward to make a public comment.

1. Jodi Mount, 214 Rockmart Road, Villa Rica
2. John Mount, 214 Rockmart Road, Villa Rica
3. Luke Mount, 1401 May Venue, Atlanta, GA
4. Jeffrey Sullivan, 162 Braswell Mountain Road, Dallas
5. Anna Perry, 318 Westview Drive, Villa Rica
6. Shannon Pounds, 1100 Rainey Road, Temple
7. Sara Jo McCloskey, 300 Rockmart Road, Villa Rica
8. Mac Pilgrim, 128 Maple Valley Drive, Villa Rica
9. Janet Heilman, 44 Maple Valley Drive, Villa Rica

10. Val Runyon, 2115 S. Van Wert Road, Villa Rica

Council Updates (Subjects of General Interest and Concern)

- Councilwoman Leslie McPherson stated that giving citizens time to have their say on a topic is the way open government should operate.
- Councilman Danny Carter expressed his excitement for the Georgia Bulldogs winning the National Championship.

A. Consent Agenda (Mayor Gil McDougal)

Mayor Gil McDougal presented the Consent Agenda for approval.

1. Resolution of Support for Changes to State Highway System and Acceptance of Two Roadways
2. North Plant Rental Aerator Equipment Rental
3. Northeast Downtown Waterline Replacement
4. Approval of TextMyGov Partnership Proposal
5. FY2021 Budget Amendments - #193 – 215
6. FY2022 Budget Amendments - #22 -139
7. Approve Demolition and Removal of Butterballs and Adjacent Duplex

Councilman Danny Carter moved to adopt the Consent Agenda.

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

B. Governing Body (Mayor Gil McDougal)

1. Approval of Council Meeting Minutes of December 14, 2021

Councilwoman Leslie McPherson moved to approve the Council Meeting Minutes of December 14, 2021.

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

2. Election of 2022 Mayor Pro Tem

Councilwoman Leslie McPherson nominated Councilman Matthew Momtahan as the 2022 Mayor Pro Tem.

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

3. Mayoral Appointment of Council Standing Committees

Mayor Gil McDougal announced the 2022 Council Standing Committees. The Transportation and Traffic Committee will take the place of the Library Committee.

Recreation: Chair Shirley Marchman, Leslie McPherson, Danny Carter

Housing: Chair Anna McCoy, Shirley Marchman, Leslie McPherson

Transportation and Traffic: Chair Matthew Momtahan, Danny Carter, Leslie McPherson

Public Safety: Chair Matthew Momtahan, Shirley Marchman, Anna McCoy

Finance: Chair Danny Carter, Matthew Momtahan, Anna McCoy

4. Mayoral Reappointment of Phil Blair to the Housing Authority Board. Term 05/01/2021 – 04/30/2026
Mayor Gil McDougal reappointed Phil Blair to the Housing Authority Board for a term of five years.
5. Mayoral Appointment of Scott McBrayer to the Cemetery Commission. Term: 01/01/2022 – 12/31/2023
Mayor Gil McDougal appointed Scott McBrayer to the Cemetery Commission for a term of two years.

C. Community Development (Tracy Jarvis, Director)

1. Amendment to Preliminary Plat Procedures in the City of Villa Rica Zoning Ordinance and Public Hearing (Ronald Johnson, Planning and Zoning Specialist)
The amendment is to change the city's Preliminary Plat Review and Approval Procedures from requiring approval from the Planning Commission in favor of requiring administrative approval by the Director of Community Development.

Public Hearing: No one came forward to speak.

Motion #1: Councilman Matthew Momtahan moved to approve the proposed amendment to Sections 6.06, 6.07 and 6.08 of the City of Villa Rica Zoning Ordinance as attached hereto in Exhibit A.

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

Motion #2: Councilman Danny Carter moved to approve the proposed amendment to Section 11.03 of the City of Villa Rica Zoning Ordinance as attached hereto in Exhibit B.

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

Motion #3: Councilman Matthew Momtahan moved to approve the proposed amendment to Section 2.03 of the City of Villa Rica Zoning Ordinance as indicated by staff.

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

2. VA-11-21 – Parcel #V02 0070100 – Variance Request from Starlight Homes, LLC of Alpharetta, GA - Hwy 78 (W. Bankhead Highway) (Ronald Johnson, Planning and Zoning Specialist)

Starlight Homes, LLC requested a variance from Section 9.03(2)(c) which requires garage doors to be oriented towards the rear of the unit and/or a rear alleyway.

Public Hearing: Val Runyon, 2115 S. Van Wert Road, Villa Rica.

Motion: Councilwoman Leslie McPherson moved to grant the variance request from Starlight Homes, LLC of Villa Rica, GA from Section 9.03(2)(c).

RESULT:	ADOPTED (VOTE: 3-2)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Carter, Marchman
NAYS:	Momtahan, McCoy

3. VA-12-21 – Parcel #V0 70100167 – Variance Request from Villa Rica RTH Owner, LLC of Atlanta, GA (Ronald Johnson, Planning and Zoning Specialist)
Villa Rica RTH Owner, LLC of Atlanta, GA requested a variance from side yard setbacks that would impact two units on the site; as well as relief from both the 50' and 75' stream buffers in certain sections of the parcel.

Public Hearing: No one came forward to speak.

Motion #1: Councilman Matthew Momtahan moved to deny the side yard setback variance request from Villa Rica RTH Owner, LLC of Atlanta, GA.

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

Motion #2: Councilwoman Leslie McPherson moved to approve the variance to encroach into the 50' stream buffer by 22,564 square feet in areas as indicated on the supplied site plan dated September 9, 2021.

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

Motion #3: Councilman Matthew Momtahan moved to deny the variance to encroach within the 75' stream buffer in areas as indicated on the supplied site plan dated September 9, 2021, except for surfaces that are roads, landscaping, hardscaping, driveways and sidewalks.

There was no second to the motion. The motion failed for lack of a second.

Councilwoman Leslie McPherson moved to approve the variance to encroach within the 75' stream buffer by 34,622 square feet in areas as indicated on the supplied site plan dated September 9, 2021.

RESULT:	ADOPTED (VOTE: 3-2)
----------------	----------------------------

MOVER: Leslie McPherson, Councilwoman
SECONDER: Danny Carter, Councilman
AYES: McPherson, Carter, Marchman
NAYS: Momtahan, McCoy

4. VA-13-21 – Parcel #V07 0110230 – Variance Request from MMCC, LLC of Villa Rica, GA – 135 & 189 Commerce Drive (Ronald Johnson, Planning and Zoning Specialist)
MMCC, LLC of Villa Rica, GA requested four (4) variance landscape buffers; front, side and rear yard setbacks, 50’ and 75’ stream buffers, and a reduction in the required parking ratio.

Public Hearing: Janet Heilman, 44 Maple Valley Drive, Villa Rica

Motion #1: Councilman Matthew Momtahan moved to deny the landscape buffer variance request from MMCC, LLC of Villa Rica, GA.

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

Motion #2: Councilman Matthew Momtahan moved to approve the variance to encroach into the 50’ and 75’ stream buffers in areas as indicated on the supplied site plan dated June 22, 2021.

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

Motion #3: Councilman Matthew Momtahan moved to approve the variance request to reduce the side and rear yard setbacks to 30’ as presented.

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

D. Finance (Jennifer Hallman, Finance Director)

1. Financial Update – November 2021
Jennifer Hallman, Finance Director, gave a Financial Update of November 2021.

G. Executive Session (David Mecklin, City Attorney)

1. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was [identify the matter but not the substance of the discussion].

Motion: Councilman Danny Carter moved to go into Executive Session by the purposes stated by the City Attorney.

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

Motion: Councilman Danny Carter moved to return to Regular Session.

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

Report from City Attorney:

The City Council went into Executive Session for the purpose of discussing pending or potential litigation related to the issue previously discussed tonight about the cemetery. After discussion, a consensus was reached that the Council will consider.

The primary starting point is the Council will determine that the Sullivan wall, the part of the wall that is next to the Mount grave, is under Section 10.32 is improper, offensive and injurious to the appearance of surrounding lots or grounds, which gives the Council the right and duty to remove such items. The Council will do several things as outlined.

1. The Mount headstone will need to be cleaned by the Sullivan family or contractor for the mortar that was splashed on it. It will need to be reset at least six inches from the Sullivan wall or at such place that the Mounts are agreeable to having it reset.
2. The city would lift the Stop Work Order that had been placed on the Sullivan lot.
3. The city will approximately in 30 days from today exercise its rights under the ordinance to eradicate the wall if some other plan is not worked out voluntarily to lower the wall to a level such that it will not injure the Mount headstone or the appearance of it as determined by the Council.
4. In that 30-day period, the parties have the right to either decide to take that action on their own so they have the right to control it, or the city will move forward at that point in time to eradicate the wall which the determination of the Council is that it's simply too high.
5. The city will consult with an engineer and a brick mason to determine what the appropriate height of the wall will be in order not to injure or damage the appearance of the existing grave that was there.
6. The drainage holes in that wall are too high and will have to be repaired in some way so that they are not draining directly out onto the adjacent gravesite. Council has determined that's improper and injurious to have the drains draining on somebody else's gravesite. Some type of action will be taken to repair that.
7. The footprint of the wall will remain as it is and the back wall would have to be lowered either in a way that the Sullivan family chooses to do it or the city will do it itself if it's not done in 30 days.

Councilman Danny Carter moved to approve, seconded by Councilwoman Anna McCoy.

RESULT:	ADOPTED (Vote: 4-0, Abstained: 1)
----------------	--

MOVER: Danny Carter, Councilman
SECONDER: Anna McCoy, Councilwoman
AYES: Carter, McCoy, Marchman, Momtahan
ABSTAINED: McPherson

H. Adjournment (Mayor Gil McDougal)

Councilwoman Shirley Marchman moved to adjourn.

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

Mayor Gil McDougal adjourned the meeting.

Gil McDougal, Mayor

Alisa Doyal, City Clerk