

CITY COUNCIL
GIL MCDOUGAL, MAYOR
SHIRLEY MARCHMAN, MAYOR PRO TEM
MATTHEW MOMTAHAN
STEPHANIE WARMOTH
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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VILLA RICA, GA 30180 |
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CITY COUNCIL MEETING MINUTES

Holt-Bishop Justice Center, 101 Main Street
Tuesday, December 12, 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 Shirley Marchman, Councilman Matthew Momtahan, Councilwoman Stephanie Warmoth, Councilwoman Anna McCoy, and Councilman Danny Carter.

Invocation was led by Angel Arzuaga, Athletic Manager

Pledge of Allegiance was led by Corbin North and Paige Tanner of the City of Villa Rica's 6u and 10u Purple Youth Football and Cheerleading Teams

Ceremonial Presentations (Mayor and Council)

1. Presentation recognizing the City of Villa Rica's 6u Purple and 10u Purple Youth Football and Cheerleading Teams for an undefeated season and championship wins.

Adoption of the Agenda (Mayor Gil McDougal)

Councilman Danny Carter moved to adopt the agenda to include Executive Session to meet with legal counsel pertaining to pending litigation.

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

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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.)

1. Michael Young- Quoted Joseph de Maistre in 1811 “Every nation has the government it deserves.” He also mentioned that only 1100 people voted in the Mayoral Run-off election and the majority of them voted for a candidate whose campaign kickoff defamed the individuals sitting before him. He cannot in good conscience support or be a part of an administration that resorts to slurs of criminal activity to win an election. Therefore, effective immediately, he resigned his positions from The Recreation Advisory Commission, The Villa Rica Housing Authority Board and The Villa Rica Downtown Development Authority.

Council Updates (Subjects of General Interest and Concern)

There were no Council Updates

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. Planning and Zoning Commission Appointments of Kendrick Davis for Ward 1 and David Rogers for Ward 2
2. Housing Authority Reappointment of Amalie Woodall Hyneman
3. Villa Rica Development Authority Appointment of Rust Dean
4. Alcohol Beverage License for Arpit/Nilesh Patel
5. 2023 Personnel Policy Revision
6. Updated Employee Incentive Pay
7. Replacement of Servers

8. SAN Replacement
9. FLOCK Camera Grant
10. Purchase of 2023 F150 For Distribution
11. FY23 Budget Amendment #180- #188
12. FY24 Budget Amendment #16- #168
13. Write off Customer Receivables
14. Audio/Visual Equipment Purchase
15. Street Design Coordination with BM&K
16. Survey Required for Construction of Villa Rica Parkway
17. Amendment to South Street Improvements with Georgia & West Inc.
18. Relocation of WIC Office to Powell Park

Councilwoman Shirley Marchman moved to approve the Consent Agenda.

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

A. Governing Body (Mayor Gil McDougal)

1. Approval of Minutes from November 14, 2023, Council Meeting

Councilwoman Shirley Marchman moved approve the November 14, 2023, Council Meeting Minutes.

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

2. Approval of Minutes from November 29, 2023 Special Called Meeting

Councilman Matthew Momtahan moved to approve the November 29, 2023, Special Called Meeting Minutes

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

B. Community Development (Tracy Jarvis, Director)

1. VA-12-23 133 W. Bankhead Highway- Variance to Reduce Drive-thru Queuing Spaces Required and Public Hearing.

Applicant Charles Bishop presented in support of Variance.

@ 6:26 pm Mayor Gil McDougal declared a recess for a medical emergency.

@ 6:31 pm Mayor Gil McDougal returned from recess,

Mitchell Hamilton the property owner, mentioned he is agreeable with the required conditions.

Councilman Danny Carter moved to approve the requested Variance with conditions to Reduce Drive-thru Queuing Spaces. The drive- thru can only be used for restaurant-use. Should another use occupy the property, a request for a special use permit shall be required and the drive-thru must be adequately lit, paved with a hard, dustless material, and properly demarcated.

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

2. VA-14-23 Two Variances from Townhome Architectural Design Standards (Section 9.03) on Mirror Lake Boulevard and Public Hearing .

Applicant Luke Addison presented in support of Variances.

No one came forward for Public Hearing.

Councilman Matthew Momtahan moved to approve the requested Variances from 9.03 (8) and 9.03(4)(f) of the Villa Rica Zoning Ordinance subject to the following conditions and additionally, staff must review the signage and appropriateness of the message that these are private roads and that onsite management be on site in the development.

1. The developer shall maintain all infrastructure (right-of-ways, sewer, water and refuse services) as private and the developer shall be responsible for all billing for these services.
2. A compactor dumpster or compact hauler shall be required for the development and the developer shall be responsible for all billing services to residents.

3. The developer shall be responsible to install master meters for all water/sewer infrastructure, and all elevations and written commitments shall be entered into the legal record and shall be substantially representative of the finished product.
4. Any substantial changes in materials, percentages of façade treatments, windows, doors, rooflines, etcetera are subject to council consideration to which a variance is required. Additionally, staff must review the signage and appropriateness of the message that these are private roads and that onsite management be on site in the development.

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

3. **VA-09-23 Variance Request from Stream Buffer Standards for 11 Gordon Street and Public Hearing.**

Applicants Chad Lambeth and Haley Todd presented in support of variance.

Alita Farmer wanted to know how this development would impact her home at 216 Anderson Road.

Ken Davis wanted to know what would happen to the creek running through his property at 105 W. Gordon Street.

Councilman Danny Carter moved to approve the requested variance in request by Kenneth Wood for property located at 11 Gordon Street to encroach in the City's 75' stream buffer by 34000 SF and the 50' stream buffer by 9200 SF.

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

4. **TA-02-23 Text Amendment to Establish Wholesale Businesses in the C2 Zoning District and Public Hearing:**

Applicant Charles Connerly presented in support of these items and agreed to the conditions.

No one came forward for Public Hearing

Councilman Danny Carter moved to approve the requested Text Amendment for Arpit Realty,

LLC as presented with the condition of a 35,000 SF Maximum.

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

5. CU-04-23 419 Main Street Special Exception Use to operate a Shipping Container Food Hall/Shared Kitchen and Public Hearing.

Applicant Michael Rickman and Brandon Thompson presented in support of the Special Exception Use.

No one came forward for Public Hearing.

Councilman Danny Carter moved to approve the Special Exception Use Permit by Michael Rickman as presented subject to the conditions issued by staff.

1. The container village shall be constructed as presented in the architectural plans submitted with the application.
2. All architectural plans shall be entered into the legal record.

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

C. Finance (Jennifer Hallman)

1. Financial Update October 2023

Finance Director Jennifer Hallman presented financial update for October 2023

D. City Manager's Report (Tom Barber)

City Manager Tom Barber passed out documents to the council members.

Mayor's Fairwell Address to Staff and Citizens

Mayor Gil McDougal delivered the address.

E. Executive Session

Councilman Danny Carter moved to enter into Executive Session at 8:38 pm for the purpose of meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2) and to confer with legal counsel pursuant to attorney client privilege.

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

Councilwoman Shirley Marchman moved to reenter Regular Session at 9:37 pm

RESULT: **APPROVED (UNANIMOUS)**
MOVER: Anna McCoy, Councilwoman
SECONDER: Shirley Marchman, Councilwoman
AYES: Marchman, Momtahan, Warmoth, McCoy, Carter

Councilman Danny moved to offer Robert James Harker the position of Solicitor for a one year term.

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

Councilman Danny Carter moved to adopt a Resolution of the City Council in the City of Villa Rica with the Intention to Utilize Investigative Powers of the City Council in the City of Villa Rica Charter.

RESULT: **APPROVED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Anna McCoy, Councilwoman
AYES: Marchman, Momtahan, Warmoth, McCoy, Carter

BILL No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VILLA RICA, STATING THE
INTENTION TO UTILIZE THE INVESTAGATORY POWERS OF THE CITY COUNCIL OF THE
CITY OF VILLA RICA**

WHEREAS, the Villa Rica City Council ("Council") serves as the legislative authority of the City of Villa Rica as codified in City Charter Sec. 2.10; and

WHEREAS, as the legislative authority, the Council has all powers and responsibilities granted the legislative authority by Georgia Code, City Charter, and the Villa Rica Code of Ordinances; and

WHEREAS, in City Charter Sec. 2.14 provides the council may make inquiries and investigations into the affairs of the city and the conduct of any department, office or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

WHEREAS, on or about December 12, 2023 the Mayor and council have become aware of information that Ward 3 Council Member Leslie McPherson may have violated the city charter by "disclosing confidential information concerning the property, government, or affairs of the governmental body by which he/she is employed without proper authorization, or use such information to advance the financial or other private interest of himself or others". This accusation arises from the alleged disclosure of confidential privileged information obtained by McPherson during an executive session for the purpose of discussing potential litigation, 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.; and

WHEREAS, The City Charter provides that "No elected official, appointed officer, or employee of the city or any agency or political entity to which this code of ethics applies

Adjournment (Mayor Gil McDougal)

Councilman Danny Carter 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 Pro Tem, Shirley Marchman