

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

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.GOV

SPECIAL CALLED COUNCIL MEETING MINUTES Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street March 4, 2024 | 4:00 PM

Meeting Call to Order (Mayor Leslie McPherson)

Present: Mayor Leslie McPherson, Mayor Pro Tem Shirley Marchman, Councilman Matthew Momtahan, Councilwoman Anna McCoy, Councilwoman Stephanie Warmoth 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:	Marchman, Momtahan, Warmoth, Carter, McCoy

A. 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.)

Jackie Childress- Spoke about accepting Mr. Barber's resignation per his letter to Augusta Woods residents. She wants him to resign today, so the city can move forward. She was thankful that David Mecklin sent the City Charter questions to the Attorney General, she will send items to the Attorney General as well. She wants to know if the City Manager used city equipment to write his letter to the Augusta Woods residents. She is not opposed to growth, but is opposed to growth without infrastructure.

Gary Tallent- Wants to emphasize to the councilmembers to rescind their vote to allow appointment of former Mayor as the Deputy City Manager.

Diane Wilson- Mentioned that the voters chose Leslie McPherson as Mayor. Having the former Mayor as the Deputy City Manager causes strife in the city. She believes the City Manager and the Deputy City Manager actively tried to hinder the new Mayor's progress.

Rickey Wilson- He is the owner of 505 Berry Dr. which is an 18,000 square foot facility. He allows a nonprofit to use part of the building for baseball practice. A church has used the facility in the past and wants it to be used again.

Doug Lang- Mentioned he fully understands the appointment of Gil McDougal as Deputy City Manager. He is confused as to why the Council is allowing the current unhealthy situation to fester. He wants the Council to vote the way their constituents request.

Kristie Chastain- Stated that the Deputy City Manager has been treated as an appointed position. LinkedIn has the requirements for the Deputy City Manager, she has read the resumes of the others that applied and she believes there were qualified people. She wants Council to reconsider the hiring of Gil McDougal and wants them to fire Tom Barber.

Irene Carlo-She mentioned she has been out of the country for a little while, and is embarrassed by what is happening with Gil McDougal being Deputy City Manager, she wants him removed.

Marshall Smith- Thanked Danny Carter and Stephanie Warmoth for voting how the constituents wanted. He wants everyone to read the Charter. He believes Gil McDougal, being the Deputy City Manager is underhanded and wrong. He wants the City of Villa Rica to pay for Leslie McPherson's lawyer fees.

Val Runyon-Agrees with everything the others before her said.

Ryan Clark-Mentioned he wants the Council to do what is right not what is easy. Wants the Council to listen to the people that voted and do the right thing and remove Gil McDougal.

Josh Evans- Spoke about getting to know your councilmember. He mentioned Matthew Momtahan is doing a good job at working with him. He is concerned with school traffic and how trashy the city has become. He believes Tom Barber lies in his City Manager reports. He stated Chattahoochee River Keepers is pulling LEI.

Breezy Prince- The citizens do not want Tom and Gil. She is unclear what can be done about Tom since the council unanimously voted.

B. Governing Body

1. Mayoral Reappointment of David Rogers to the Villa Rica Development Authority
2. Amendment to Section 16-44 Restricted Uses and Activities- Hours for Collection of Trash

Councilman Danny Carter moved to approve the amendment to Section 16-44 (5) attached hereto be effective immediately.

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

AYES: Marchman, Momtahan, Warmoth, Carter, McCoy

C. Community Development

1. TA-01-25- Text Amendment Maximum Parking & Layout and Public Hearing

No one came forward for Public Hearing

Councilman Danny Carter moved to approve the requested Text Amendment from staff to remove maximum parking out of the current Zoning ordinance.

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

2. CU-01-24 Special Exception Request: Place of Worship at 505 Berry Drive and Public Hearing

Pastor Rogers spoke in favor of the Special Request Permit.

Larry Cohrs- Wants parking vs fixed seating addressed.

Marshall Smith- Questioned if this was about Serve Pro becoming a church.

Kay Smith- Mentioned Berry Drive has traffic as well as Daniel Rd. Wants to know how traffic will affect the area.

Rob Custer- Mentioned signs were posted but the print on the signs was small.

Randy Eller- Mentioned some people did not get notice, believes parking is inadequate and the baseball practice takes up more space then previously mentioned.

Councilman Matthew Momtahan moved to approve the requested Special Exception Use from Section 8.14 (1) by Rodney Rogers as presented.

RESULT:	ADOPTED
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Marchman, Momtahan, Warmoth, Carter
NAYS:	McCoy

3. VA-02-24- J & M Tank Lines Gravel Variance and Public Hearing

Applicant Jeff Arledge spoke in favor of variance.

Rob Custer- Wanted clarification on location of lot.

Josh Evans- Mentioned lot across from this location has a gravel lot as well and that Bio detention ponds work and are not very costly.

Joseph Ludeman- Questioned what East West was required to do. He mentioned the Council cost him \$100,000 to add a fence. Wants to know why anyone has to have added conditions if East West did not? Believes Variances are a good ole' boy system.

Councilman Matthew Momtahan moved to approve the requested variance for gravel parking by Jeff Aldrege J & M Tank Lines with the conditions that the stormwater management facilities utilize bio detention features and also that the approval, only applies to the use as noted in variance application, tank lines.

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

D. Executive Session:

Councilman Danny Carter moved to enter Executive Session at 5:42 PM for the purpose of a 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 a meeting pursuant to 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 office or employee may be directly involved and the matter discussed was potential litigation.

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

Councilman Danny Carter moved to enter regular session at 7:07 PM.

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

Councilman Danny Carter moved to rescind the action of the Council in approving Gil McDougal's selection as Deputy City Manager.

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

Councilman Danny Carter moved to accept the attached final report of the City Attorney and to have it recorded in the minutes along with any corrections or rebuttals which may be submitted.

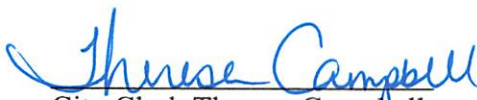
RESULT: ADOPTED (UNANIMOUS)
MOVER: Danny Carter, Councilman
SECONDER: Matthew Momtahan, Councilman
AYES: Marchman, Momtahan, Warmoth, Carter, McCoy

Adjournment (Mayor Leslie McPherson)

Councilman Danny Carter moved to adjourn the meeting and was seconded by Councilwoman Anna McCoy and the vote was unanimous. Mayor Leslie McPherson adjourned the meeting.

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


Mayor Leslie McPherson


City Clerk Theresa Campbell



REPORT OF THE CITY ATTORNEY

On December 12, 2023, the Villa Rica City Council adopted a resolution requesting the City Attorney to organize an independent investigation into the actions of the Commissioner Leslie McPherson as it related to the release of information that was presented to the Council in an Executive Session of the Council on January 11, 2022.

Prior to additional steps toward the independent investigation, I thought it prudent to summarize my internal investigation into the matter prior to the expenditure of additional City funds for hiring outside experts.

RELEVANT PORTIONS OF CODE OF ORDINANCES

Section 1(c) of Appendix A of the Charter of the City of Villa Rica provides that a public official shall not:

“Disclose confidential information concerning the property, government or affairs of the governmental body by which she is employed without proper authorization or use such information to advance the financial or other private interest of herself or others.”

The subject is further discussed in Section 2-183 of the Code of Ordinances which provides:

“No City Official shall use such position . . . to secure confidential information for any purpose other than official duties on behalf of the City.”

FINDINGS

In late, 2021, the City was in the process of attempting to resolve a dispute which focused on the construction of a wall in the Hillcrest Cemetery. The City had attempted to work with the adjoining lot holders to reach a settlement of the dispute. When the matter could not voluntarily be resolved and litigation was threatened, the Council met in Executive Session on January 11, 2022 to discuss the matter prior to taking action in Open Session to resolve the dispute.

In the course of the Executive Session, I presented a plan of action to the Council to resolve the matter. During that presentation, the Council reviewed several photographs which were submitted by one of the parties to the dispute as well as one photograph prepared by City Staff at my behest to show a potential remedy to correct the offending wall (the “remedy picture” – attached as Exhibit A). After the Executive Session, the Council returned to open session for action. The minutes of the January 11, 2022 meeting (attached as Exhibit B) reflect the actions taken by Council to resolve the dispute. A fair reading of those actions (pg. 6 of Ex. B) show that the City would continue to work with the parties towards a voluntary settlement.

After the January 11 action by the Council, I began to implement the proposed solution by telling the parties what needed to be done including the lowering of the wall. Subsequent to the meeting, Councilwoman McPherson also had communications with the party who had constructed the wall in an attempt to explain to him the basis of the Council’s actions on January 11, 2022. In the course of that conversation, Councilwoman McPherson showed the party the remedy picture (which had been released only in Executive Session). The allegation of improper action on the part of Councilwoman McPherson – from which the December 12th investigation resolution arises – relates only to the use of the remedy picture outside the Executive Session without authorization.

If this matter proceeds further, to some proposed action arising out of the alleged infraction, I anticipate that a crucial question will be raised whether the remedy photo was indeed confidential information of the City or not. For the purposes of this report, I have treated the remedy photo as being a confidential document solely because it was initially introduced during the course of an Executive Session. As a matter of course, we have treated any and all information submitted during an Executive Session as being confidential. To hold otherwise would mean that we would have to come up with some mechanism to define what is confidential or not in an Executive Session. Given the normal brevity of Executive Sessions, I believe it would be difficult to come up with a way to separate the confidential from the non-confidential.

Nevertheless, in a proceeding making a claim that someone has violated the provisions of our Charter or Code as set forth above, a critical element will be to show that the accused disclosed “confidential information.” Just because I treat everything disclosed in an Executive Session as being confidential does not mean that a fact finder

analyzing whether a person has violated the Charter will find the release of the remedy photograph to be the disclosure of confidential information.

Black's Law Dictionary defines "confidential" as being:

Entrusted with the confidence of another or with his secret affairs or purpose; intended to be held in confidence or kept secret.

Other than the fact that it was first introduced in an Executive Session, was the remedy photograph truly a confidential document? Unlike other obvious examples of documents produced in an Executive Session – i.e., a real estate appraisal, an attorney memorandum containing opinions on pending litigation – was there any objective reason to keep the remedy photograph a secret? Its purpose was simply to show that a potential remedy to the cemetery dispute was feasible. It was a visual aid to demonstrate what the wall might look like if it was lowered.

After the January 11, 2022 Executive Session was ended, the Council immediately returned to Open Session and adopted a plan which specifically called for the cemetery wall in question be lowered. Common sense would dictate that the "remedy photo" could be used in explaining to the parties to the dispute what remedy the Council expected from them. It will be extremely difficult in the course of further proceedings to articulate how the use of the remedy photo by Councilmember McPherson violated the City Ethics provision in any way more than a very technical sense.

My review of the facts confirms that Councilwoman McPherson did reveal the remedy photograph to a person without authorization outside the Executive Session. However, it was (and is) my opinion that the error did not cause harm to the City, did not betray true secrets of the City, nor was the mistake intentionally made to further the private interests of Councilwoman McPherson.

CONCLUSION

Based on my internal investigation of this matter, I did determine that Councilwoman McPherson had disclosed a copy of the remedy photograph to one of the parties in the dispute in an effort to explain to that person the basis and reason for the Council's actions taken in Open Session on January 11, 2022. Thus, she did use a document which at the time we deemed confidential without proper authorization.

Because Mayor McPherson is represented by counsel, I have not asked her directly if she believes she was authorized to release the remedy photo – either because of the action taken in Open Session or for some other reason.

Regardless, my review of the communication Councilwoman McPherson had with the citizen, as well as the context in which she had the communication, did not indicate to me that she disclosed the remedy photograph for her personal gain, nor to benefit the private interests of anyone else, but rather to further the City's interest in resolving the dispute at the cemetery. The picture itself did not help or hurt either side to the dispute. Further, I determined that the release of the remedy photograph caused no harm to the City (other than the technical breach of confidentiality itself). She was explaining to one of the parties to the dispute what needed to be done and why. Her interaction with the party to the dispute was typical of routine service on the Council. It mirrored my action in trying to settle the dispute between the parties.

Based on this conclusion, I determined that the proper remedy for Councilwoman McPherson's breach was to issue a warning to protect the confidentiality of any documents produced during an Executive Session. I did this in a general verbal admonition to all Councilmembers to protect the confidentiality of documents and discussions in Executive Sessions. I try to do that periodically anyway. In retrospect, I could have provided this reprimand directly to Councilwoman McPherson since her actions raised the issue but instead, I chose to do it in a general fashion to everyone. That was my choice, not hers. Through this report, I am now providing the admonition directly to Councilwoman McPherson, now Mayor McPherson.

FURTHER ACTION

My interest in preparing this report is to provide the Council with the initial information needed in lieu of the more formal and costly investigation contemplated in the December 12, 2023 resolution.

At this point, I am asking for direction from the Council on whether to accept this report as being final (along with any corrections or rebuttals the Mayor may choose to submit) and recording it in the Minutes. If so, that would terminate any further action on the issue. The alternative would be to proceed to obtain the services of outside counsel to further investigate the matter. Even after that independent investigation is completed, no enforcement action would begin unless and until someone filed a formal

ethics complaint against Mrs. McPherson. At that point, our Code sets forth the procedures that would have to be followed to process the Complaint. I do not believe that further investigation will reveal facts beyond those which are contained here, but that is fully within the discretion of the Council to determine. I have submitted proposed motions for both courses of action.

A handwritten signature in blue ink, reading "C. David Mecklin, Jr.", is written over a horizontal line.

C. David Mecklin, Jr.
City Attorney

EXHIBIT A

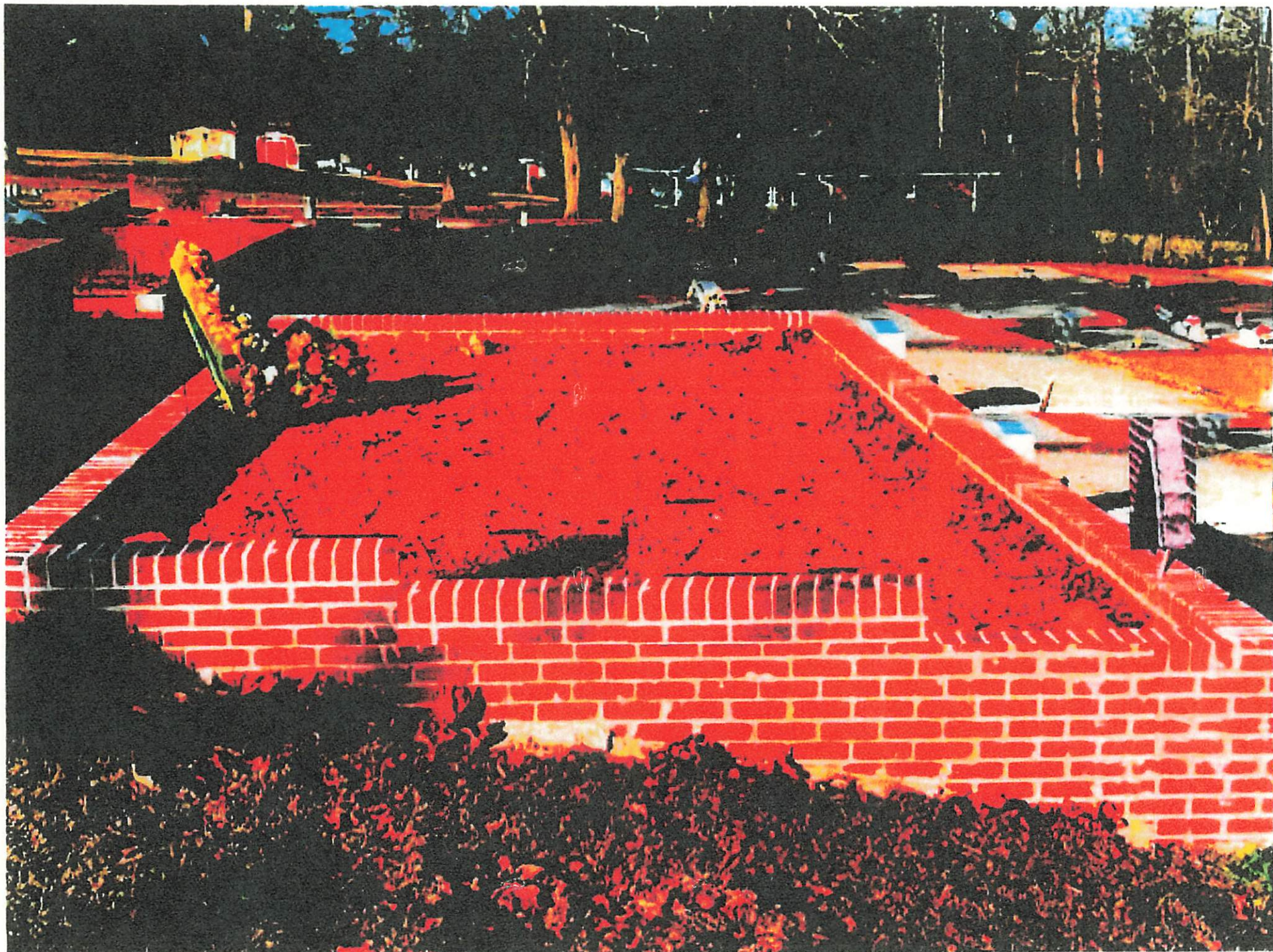


EXHIBIT B

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

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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)
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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)

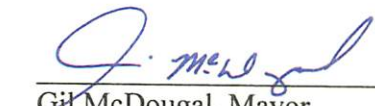
Councilwoman Shirley Marchman moved to adjourn.

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

Mayor Gil McDougal adjourned the meeting.



Alisa Doyal, City Clerk



Gil McDougal, Mayor