

**CITY OF JOHNS CREEK**  
**COUNCIL MEETING MINUTES**  
**March 22, 2010 @ 7:00pm**

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, March 22, 2010. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

**COUNCIL PRESENT:** Post 1-Randall Johnson  
Post 2-Dan McCabe  
Post 3-Karen Richardson  
Post 4-Ivan Figueroa  
Post 5-Liz Hausmann-**Absent**  
Post 6-Bev Miller  
Mayor Michael Bodker

**STAFF PRESENT:** City Manager, John Kachmar  
William Riley, City Attorney  
Joan Jones, City Clerk

**PLEDGE OF ALLEGIANCE:** Led by scouts Joshua Shapiro, Troop 1818 and Kyle Johnston, Troop 2000.

**OPENING REMARKS:** Mayor Bodker welcomed everyone to the meeting. He thanked the Johns Creek Business Association for hosting the State of the City Address and Emory Johns Creek for sponsoring the event. In addition, Mayor Bodker thanked the Johns Creek Chamber of Commerce for hosting a Q & A for the business community. The Mayor remarked on the annual Buddy Ball event held at Ocee Park and invited everyone to attend the first home game of the Georgia Defenders football team, coached by our own Johns Creek Police Sergeant Ronnie Young, the game will be Saturday March 27th at the Sprayberry High School in Marietta. In closing, the Mayor reminded to everyone to complete and return their Census forms.

**MINUTES:** Council Member McCabe motioned, seconded by Council Member Richardson to approve the March 8, 2010 Work Session Summary and Council Meeting Minutes. There being no discussion, the motion carried unanimously.

**AGENDA APPROVED:** Council Member Johnson motioned, seconded by Council Member Miller to approve the meeting agenda with the addition of three (3) items added under OTHER BUSINESS-1) Consideration of Resolution in Support of Milton County; 2) Review of ChattCom 911 Revenues and; 3) Discussion of Proposed Privileged Resolution. There being no further discussion, the motion carried unanimously and the agenda was amended.

**PUBLIC COMMENT:** Major Thompson addressed Council and asked for their support of HR 1, which would impose a 3% Cap on annual property tax assessments.

David Kornbluh addressed Council and voiced objections to the Charter amendment previously approved, requiring a majority of those voting to change the millage rate rather than requiring the majority of those registered to vote and the possibility of imposing additional fees for waste collection, raised during work session this evening.

Eric Pretto addressed Council and voiced his concern with the practices of a local waste collection vendor and the need for developing a policy regarding waste collection in the city.

**CONSENT AGENDA:** Council Member McCabe motioned, seconded by Council Member Figueroa, to approve the Consent Agenda, which included **RESOLUTION 2010-03-07**-Approval

of Emergency Response Framework for the City of Johns Creek. There being no discussion, the motion carried unanimously.

**ANNOUNCEMENTS:** City Clerk Jones announced the following meetings:

*Tuesday, 4/6/10 @ 5:00pm—RPAC*

*Monday, 4/12/10 @ 5:00pm-Work Session, followed @7:00pm by City Council Meeting*

**REPORTS & PRESENTATIONS:** Grants Coordinator Patty Hansen reported to Council the City was recently awarded the GDOT GATEway grant, providing up to \$50,000 for landscaping/median beautification. Ms. Hansen will present additional details of the grant at the April 12<sup>th</sup> Work Session.

Fire Department Chief of Operations Derron Wilson and Fire Marshall Chad McGiboney presented a PowerPoint on HB 1196. The bill proposes a ban on the installation of sprinklers in one and two dwelling homes. Council's support was requested in opposing the legislation. There was a video presentation showing the impact of a fire on a home with a sprinkler system and without a sprinkler.

Mayor Bodker provided an overview of pending legislation: HB 842 would prohibit local governments from dictating zoning where livestock is allowed, Mayor explained land use issues should be decided by local government; HB 1093, passed the House, proposes to improve sales tax collection for the cities by allowing the State to capture information on local business who pay occupation tax or regulatory fees to the local community—the bill does not require the Department of Revenue share any data with the local government and Mayor said hopefully Senate will require information sharing. HB 485 proposes revisions to the Georgia tax code, via creation of a special Council to include Governor Purdue, economists, and legislators; HB 1055, a bill to revise State fees, to ensure state is recovering costs for providing certain services; HB 1218, proposes a penny sales tax to fund transportation projects, excluding MARTA, but the formula for distribution of the funds could divert most of the funding to the rural areas; HB 1164 and SB 460, regulating legal workers would require employers to appear in person to swear an employee is verified to work; HB 1196, discussed by the JCFD staff, prohibits sprinkler installation in one and two family dwellings and is being sponsored by the Home Builders Association; SB 31 covers regulating red light camera; and SB 318, proposes to protect police officers from lawsuits while on duty, however, recently added language makes it easier to sue. Council Member Figueroa inquired about a proposed name change to SR141 and the Mayor mentioned there is a proposal to make an honorary designation of SR141 for Representative Mark Burkhalter.

**OLD BUSINESS:** No Old Business.

**NEW BUSINESS:**

**HIGH PRIORITY PROJECT FUNDING:** Public Works Director Ken Hildebrandt presented on the allocation of \$4.9M in **HPP Funding**. He reviewed the projects previously supported by Council, \$540,000 for the Right-of-Way acquisition at Bell at Boles Roads and \$800,000 for the construction phase; \$850,000 for ITS improvements; and \$1.71M for maintenance on Bridges at Parsons and Bell Roads. Director Hildebrandt reported there was \$1M unallocated, and proposed several projects that could be funded. There was discussion on the various proposals, including renewed discussion on the Rogers Bridge restoration. Council expressed that all the projects would be equally beneficial to the City, and while all cannot be funded now, they could be considered at a later date.

Council Member Figueroa motioned, seconded by Council Member Richardson, to approve the HPP Funding to include \$540,000 for the Right-of-Way acquisition at Bell at Boles Roads and

\$800,000 for the construction phase; \$850,000 for ITS improvements; and \$1.71M for maintenance on Bridges at Parsons and Bell Roads and \$1M for the Greenway: Segment 2, Abbotts Bridge Sidewalk-to connect the existing 1.7 miles of sidewalk gaps along the southern side from Jones Bridge Rd to Medlock Bridge Road. There being no further discussion, the motioned passed unanimously. (*ACTION ITEM*)

**BID AWARD FOR SENIOR CENTER:** As he is a Senior Services Board Member, Council Member Figueroa recused himself from this discussion. Public Works Director Ken Hildebrandt presented and recommended Council award the bid of \$565,000 to Possibility Construction, for renovation of the Newtown School building as a new senior center. The funds for the center were allocated as part of HUD's Community Development Block Grant awarded to the City. Council Member Johnson motioned, seconded by Council Member McCabe, to approve the Bid Award of \$565,000 for Possibility Construction to renovate Newtown School house for the senior center. There being no discussion, the motion passed unanimously. (*ACTION ITEM*)

**IGA FOR USGS GRANT AWARD FOR AERIAL PHOTOGRAPHY:** Assistant City Attorney Scott Hastey presented and asked Council to approve an IGA agreement allowing Alpharetta to make an application on behalf of all the participating cities for USGS grant funds to defray the costs for Aerial Photography previously approved by Council in a separate IGA. Council Member McCabe motioned, seconded by Council Member Johnson, to approve Resolution 2010-03-08 authorizing an Intergovernmental Agreement for a Joint application for a USGS Assistance Award. There being no discussion, the motioned passed unanimously. (*RESOLUTION 2010-03-08*)

**GEORGIA HOUSE LEGISLATION HR 1:** Mayor Bodker reported the North Fulton Municipal Association has passed resolutions opposing three pending bills in the House and has asked the member cities to support those resolutions. HR 1 proposes to impose a 3% cap on annual property tax assessments. Council Member McCabe motioned to approve Resolution 2010-03-09 opposing HR 1 as presented. The motion died for lack of second. Discussion followed. Council Member Johnson motioned, seconded by Council Member McCabe to approve Resolution 2010-03-09 opposing Georgia House Resolution HR 1. There being no further discussion, the motion passed, four (4) in favor, Council Members, Johnson McCabe, Miller and Mayor Bodker and two (2) opposed, Council Members Richardson and Figueroa. (*RESOLUTION 2010-03-09*)

**GEORGIA HOUSE LEGISLATION HB 480:** Mayor Bodker presented resolution on HB 480 which would eliminate the sales and ad valorem taxes on motor vehicles in lieu of a 6.75% title fee, which could reduce the revenue stream for local municipalities. Council Member Miller motioned seconded by Council Member McCabe, to approve Resolution 2010-03-10 opposing Georgia House Bill HB 480. There being no discussion, the motion passed unanimously. (*RESOLUTION 2010-03-10*)

**GEORGIA HOUSE LEGISLATION HB 1093 AND HB 1137:** Mayor Bodker presented on HB 1093 and HB 1137 which proposes to improve the process of sale tax collection reporting, to ensure the local cities receive their proper share of tax revenue. Council Member Figueroa motioned, seconded by Council Member Johnson to approve Resolution 2010-03-11 supporting Georgia House Bills, HB 1093 and HB 1137. There being no discussion, the motioned passed unanimously. (*RESOLUTION 2010-03-11*)

**AMEND FY 2010 BUDGET:** Finance Director Monte Vavra informed Council the amendment to the 2010 Budget is required to include \$25,000 in grant funds recently awarded to the City from the Department of Justice for the purchase of mobile fingerprinting equipment. Council Member McCabe motioned, seconded by Council Member Figueroa to approve Ordinance 2010-03-04 to amend the FY2010 Budget. There being no discussion, the motioned passed unanimously. (*ORDINANCE 2010-03-04*)

**OTHER BUSINESS:**

**MILTON COUNTY RESOLUTION:** Council Member Johnson presented the resolution to support the re-creation of Milton County. During discussion, Council Member Richardson expressed concern about the impact on the Fulton County School system, Mayor and Council Member Johnson responded schools would likely be transferred to the new Milton County, based on language in the bill. Council Member Miller amended the noted scribner's error. Council Member Johnson motioned, seconded by Council Member Miller to approve Resolution 2010-03-12 as amended to support the re-creation of Milton County. The motion carried 5-1 with Council Members Johnson, McCabe, Figueroa, Miller and Mayor Bodker voting in favor of the motion and Council Member Richardson opposing the motion. (***RESOLUTION 2010-03-12***)

City Manager John Kachmar reported to Council there was a budget shortfall in the revenue collection projections for **ChatComm 911** Center. He stated \$300,000 is needed from the General Fund to continue Center operations. Mr. Kachmar informed Council a new city is interested in joining the center and this would add to future revenues. The funding request will be presented at an upcoming council meeting for consideration.

Mayor informed Council he would like to add a Privileged Resolution to the April 12 Council Meeting agenda to thank Gas South, Feld Entertainment and Phillips Arena for the Circus event previously held for children with special needs. Council had no objections.

**PUBLIC COMMENT:** No Public Comment.

**MAYOR'S COMMENT:** Mayor thanked everyone for attending the meeting.

**EXECUTIVE SESSION:** No Executive Session.

**ADJOURNMENT:** There being no further business, Council Member Figueroa made a motion to adjourn the meeting, seconded by Council Member Richardson. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

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Michael E. Bodker, Mayor

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Joan C. Jones, City Clerk