

**CITY OF JOHNS CREEK**

**COUNCIL MEETING**

July 14, 2014 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a meeting on Monday, July 14, 2014. 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-Leonard Zaprowski  
Post 2-Brad Raffensperger  
Post 3-Cori Davenport  
Post 4-**Vacant**  
Post 5-Kelly Stewart, Mayor Pro Tem  
Post 6-**Vacant**  
Mayor Mike Bodker

**STAFF PRESENT:** City Clerk Joan Jones  
City Manager Warren Hutmacher  
Finance Director Monte Vavra

**PLEDGE OF ALLEGIANCE:** Led by Eagle Scout William Borgononi, Troop 3143.

**OPENING REMARKS:** Mayor Bodker welcomed everyone to the meeting. He commented the summer is in full swing and there are lots of ongoing activities in Johns Creek. He congratulated the Park Place Adult Activity Center on the celebration of their third anniversary. The Mayor expressed optimism in the positive signs of business growth in the City, evidenced by the many ribbon cuttings he along with several Council Members have attended recently, welcoming the Boyd Law Group and Regency Salon Spa to the community. The Mayor asked all citizens to support the local businesses and keep the dollars in the City. He announced the Johns Creek Veterans Association has extended the deadline to August 1<sup>st</sup> for ordering engraved pavers in time for the grand opening in November. The Mayor mentioned anyone wishing to honor our military personnel can make a monetary donation to help fund the granite monuments and benches. The Mayor invited citizens to pack a picnic cooler and come out to the Friday, July 18<sup>th</sup> concert at the Newtown Park Amphitheater, featuring A1A, a well-known Jimmy Buffet tribute band, at 7:30 p.m., no alcohol is allowed, but food trucks will selling food and light beverages, including beer and wine and sign up for the Johns Creek Citizens Police Academy August 12 to October 7 for a behind-the-scenes look at police work.; and said several activities for the youth are coming up at Ocee and Newtown Park athletic associations. He noted more information on all the city programs and events are available on the City website at [www.JohnsCreekGa.gov](http://www.JohnsCreekGa.gov). In closing the Mayor wished the JCAT swimmers the best of luck for their upcoming State meet in Cumming on July 25-26 and reminded everyone, Election Day is coming up on Tuesday, on July 22, and the City Council has two open seats that will be decided with early voting available through Friday, July 18<sup>th</sup>, from 8 a.m. to 6 p.m. at the Ocee Library, the North Fulton Annex in Sandy Springs, or the Roswell Library.

**MINUTES:** Council Member Raffensperger motioned, seconded by Council Member Davenport to approve the June 16, 2014, Work Session Summary as presented, Council Meeting Minutes with the correction of the scribe's error and the Millage Rate Public Hearings and June 30, 2014 Special Called Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

**MEETING AGENDA APPROVED:** Council Member Raffensperger motioned, seconded by Council Member Davenport to approve the meeting agenda as presented. There being no discussion, the motion passed and the meeting agenda was approved.

**PUBLIC COMMENT:** Mrs. Nancy Reineke addressed Council and commented on the proposal to create a Johns Creek Development Authority and expressed some concerns with the benefits of this type of authority which she suggested depends on the support of government for its success. Ms. Reineke suggested Council continue their focus on issues which improve the city and make it a desirable place for businesses. Ms. Reineke also thanked Council for recognizing Girl Scout Sabrina Yvellez who raised about \$13k for the Veterans Memorial. Ms. Lucy Ye addressed Council and commented on the differences between the western type of massages and the type from her Asian culture which she provides to her customers; Mr. Steve Broadbent thanked Council for bringing forward the revisions to the Massage Parlor ordinance and their commitment to protecting the quality of life in Johns Creek. He also commented on the value of development authorities, saying they are typically not a burden on the tax payers but an important part of economic development; Mr. Larry Hanlon thanked Council and the law enforcement for the work they have done with the massage parlors and said the revised ordinance will help to protect women who are being victimized.

**CONSENT AGENDA:** Council Member Stewart motioned, seconded by Council Member Raffensperger to approve the Consent Agenda which included an ***ACTION ITEM*** to approve the Fulton County IGA for Animal Control Services for the City of Johns Creek ***ACTION ITEM*** to approve Privileged Resolution for Eagle Scout William Borgognoni of Troop 3143 ; ***RESOLUTION 2014-07-24*** Approve Proclamation recognizing July as Parks and Recreation Month in the City of Johns Creek; and ***RESOLUTION 2014-07-25*** to approve a Resolution bringing public awareness to Amyotrophic Lateral Sclerosis better known as Lou Gehrig's Disease. There being no discussion the motion passed unanimously.

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

- *Tuesday, June 15<sup>th</sup>@ 7:00pm, BZA*
- *Monday, July 28<sup>th</sup> @5:00pm, Work Session followed by 7:00pm Council Meeting*

**REPORTS AND PRESENTATIONS:** Mayor Bodker presented a resolution to bring public awareness to Amyotrophic Lateral Sclerosis to Hope Dezember and her husband Steve Dezember who suffers from the disease. The Mayor also read a letter recognizing Girl Scout Sabrina for her fund raising efforts, which led to a \$13K contribution for a Veterans Memorial monument honoring women veterans.

Council Member Zaprowski presented the following Privileged Resolution recognizing Eagle Scout William Jeffery Borgognoni Troop 3143:

*The City of Johns Creek recognizes William Jeffery Borgognoni of Troop 3143 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Borgognoni completed his community service project by enhancing the grounds of Johns Creek United Methodist Church; and Whereas Eagle Scout Borgognoni led a team of volunteers who removed debris and overgrown foliage from a large area of the Church and planted a tree and juniper bushes, he also distributed fresh pine straw along the grounds; and Whereas, in addition to the landscaping, Eagle Scout Borgognoni constructed two 2' x 6' utility tables, his project has helped to create an inviting and functional area which will serve to benefit the church and earned him the distinction of becoming an Eagle Scout. For his many hours of dedication and commitment to this project and his community the Mayor and Council of the City of Johns Creek hereby congratulate and applaud Eagle Scout William Jeffery Borgognoni and wish him well in all his future endeavors.*

Mayor Bodker presented a proclamation to the Johns Creek Recreation and Parks staff recognizing *July as Parks and Recreation Month* in the City of Johns Creek.

City Manager Hutmacher introduced Wayne Kidd, President of the Johns Creek Veterans Association. Mr. Kidd provided an update on the fundraising efforts for the Veterans Memorial. He said the organization is on schedule for the November 7<sup>th</sup> opening and the work is progressing. He noted, however, sponsors are still needed and the association would like to get more involvement and participation from the local businesses. Mr. Kidd thanked the Mayor and Council for their continued support of Veteran's association.

**OLD BUSINESS:** No Old Business.

## **NEW BUSINESS:**

**ADOPT 2014 MILLAGE RATE:** A Public Hearing on Ordinance 2014-07-25 to adopt the 2014 Millage Rate was held. Finance Director Vavra presented and informed Council this is the third and final public hearing. He reviewed the advertising for the Millage Rate Public Hearing, which included a copy of the City's five year tax history and noted the digest reflects an overall increase in revenues and therefore the notice was posted as a tax increase although the proposed Millage Rate is 4.614 Mills which has remained the same since the incorporation of the City. Mr. Vavra noted there is an increase of about 3.95% over net tax revenues from the previous year with the anticipated tax revenues to be about \$17,332,755.00 if 100% of the taxes are collected

Mayor Bodker opened the Public Hearing on Ordinance 2014-07-25 to adopt the 2014 Millage Rate at 4.614 Mills and asked for all those wishing to speak.

Ms. Stephanie Endres addressed Council and spoke in support of rolling back the millage rate. There being no one else wishing to speak Mayor Bodker closed the public hearing.

Council Member Stewart motioned, seconded by Council Member Davenport to approve Ordinance 2014-07-25 setting the 2014 Millage Rate at 4.614 Mills. During discussion, Council Member Raffensperger spoke in support of a decrease in the Millage Rate, responding to Finance Director Vavra's comments that adopting the current rate is considered an increase and said he cannot support a "tax increase". Council Member Raffensperger motioned to amend the motion to roll back the millage rate to 4.451 Mills, The motion died for lack of second. In further discussion on the main motion, Council discussed how the millage rate is calculated, mentioned not all citizens received an increase in property assessments, and noted the City has for several years had a loss in revenue due to decreased assessments and this increase in revenues will allow the City to continue offering more and better quality service to the citizens. There being no further discussion the motion passed 4 in favor and 1 opposed: with Council Members Stewart, Davenport, Zaprowski and Mayor Bodker voting in support of the motion and Council Member Raffensperger opposing the motion. (***ORDINANCE 2014-07-27***)

**ADOPT 2014 MIDYEAR BUDGET:** Finance Director Vavra reviewed the midyear budget adjustments as discussed during the June 16<sup>th</sup> and tonight's Work Session. Council Member Davenport motioned, seconded by Council Member Stewart to approved Ordinance 2014-07-26 To Adopt The Revised Fiscal Year 2014 Budget For Each Fund Of The City Of Johns Creek, Georgia, Appropriating The Amounts Shown In Each Revised Budget As Expenditures, Adopting The Revised Anticipated Revenues For Each Fund, Prohibiting Expenditures To Exceed Appropriations For Each Fund And Prohibiting Expenditures To Exceed Actual Funding Available For Each Fund, During discussion Mayor Bodker reviewed a few of the midyear budget adjustments and the enhancements they will make to the City, including the funding for the City Center study, the matching dollars for the Georgia Infrastructure Bank loan to facilitate repaving, and the funding for an additional roundabout on Sergeant Road. There being no further discussion, the motion passed unanimously. (***ORDINANCE 2014-07-26***)

**AMEND CHAPTER 22- MASSAGE ORDINANCE:** City Attorney Carothers presented and reviewed the process in amending Chapter 22, Article III of the Code of the City of Johns Creek, Georgia Relating to Massage. He introduced Attorney Scott Bergthold who reviewed the revisions. Attorney Bergthold reported the revisions will serve to fill gaps left in the state law which licenses massage therapists but not the establishments nor several exempt subcategories which are unregulated. Mr. Bergthold said these gaps in the law have led to illegal massage establishments and some engaging in illicit activity. He informed Council meetings have been held with professionals in the massage industry and their input was sought to craft a law which will allow the legal operation of massage establishments. He noted the revisions will provide tools to increase enforcement and flesh out the illegal establishments. Mr. Bergthold noted comments made during the Work Session were incorporated in this final draft. Council Member Stewart motioned, seconded by Council Member Raffensperger to approve Ordinance 2014-07-27 as presented. During discussion, Council thanked the attorney's for all their work in revising the ordinance, noting there is a commitment to the legitimate businesses that should further amendments be required, Council will consider those in a timely matter. The Mayor commented on the illicit activity associated

with the illegal massage parlors and the exploitation of individuals in these businesses and said he hoped the changes in the ordinance will act as a safety net in deterring this activity. There being no further discussion, the motion passed unanimously. Mayor Bodker signed the Ordinance into law. (**ORDINANCE 2014-07-27**)

**LEASE AGREEMENT FOR THE PUBLIC SAFETY BUILDING:** City Manager Hutmacher reviewed the first Amendment to the Lease Agreement for the Public Safety Building. He reviewed the terms of the amendment, which includes an 18 month extension with no increase, and two six month increases at a nominal increase. Mr. Hutmacher reported he is looking for a new facility for the police as well as other city offices long term.

Council Member Davenport motioned, seconded by Council Member Zaprowski to approve the Action Item to approve the First Amendment to the Lease Agreement for the Public Safety Building. There being no discussion, the motion passed unanimously. (**ACTION ITEM**)

**OTHER BUSINESS:** In other business, Council Member Zaprowski reminded everyone to vote, Mayor Bodker asked Council if they would consider adding a fourth Concert to the Newtown Park Amphitheater at an anticipated cost of about \$10K and Council Member Raffensperger asked for the neighborhood paving map to be posted on the City's website.

**PUBLIC COMMENT:** Mr. Royce Reineke addressed Council and said keeping the Millage Rate the same is considered tax increase and saying it is not a tax increase is confusing to the citizens; Jennifer Jensen commented Council should give some further consideration on having a pocket park off Morton Road due to the proximity to power lines; Ms. Lucy Ye commented on the enforcement of the massager parlors and said her employees work very hard to work and no one protects them, and the ordinance does not clarify the professional establishments and illegal establishments.

**MAYOR'S COMMENT:** The Mayor thanked everyone for attending the meeting, and sharing their comments with the Council. He also acknowledged staff for their hard work and commended the City Council for engaging in honest and purposeful debate.

**EXECUTIVE SESSION:** No Executive Session.

**ADJOURNMENT:** There being no further business, Council Member Stewart motioned to adjourn the meeting, seconded by Council Member Zaprowski. The motion carried unanimously and the meeting was adjourned.

Approved by:

Attested:

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Michael E. Bodker, Mayor

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Joan C. Jones, City Clerk