

MINUTES
REGULAR COUNCIL MEETING
TUESDAY, JANUARY 17, 2012
7:00 P.M.

Present: Mayor Ralph Moore, Councilmembers Angelette Mealing, Shirley Jackson, Brian Jones, and Vince Williams, City Attorney Dennis Davenport, City Manager Steve Rapson, City Clerk Jacqueline R. Cossey and Assistant City Clerk Tameca P. White

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Councilmember Vince Williams

II. MEETING OPEN TO THE PUBLIC TO DISCUSS ITEMS NOT ON THE AGENDA: (2 MIN.)

Public comments were made by the following people regarding the incident involving Ariston Waiters:

Pastor Dale Foster, P.O. Box 756, Fairburn, Georgia

Pamela Woldu, 610 Amber Wood Drive, Villa Rica, Georgia

Reverend Timothy McDonald, 542 Moreland Avenue, Atlanta, Georgia

Joe Beasley, 87 Peachtree Street, Atlanta, Georgia

Marcus Coleman, 6545 Hidden Brook Trail, College Park, Georgia

Freda Waiters, 4330 West Linda Drive, Douglassville, Georgia

Eric Strickland, 5723 Rockaway Drive, Union City, Georgia

At this time Mayor Moore stated that he wanted to thank everyone for coming out and expressing their heartfelt opinions. He then stated that he wanted to read a statement with regards to the situation. He then read the following statement aloud:

“The Union City Police Department and the Bureau of Investigation have completed their respective investigation to the lethal force incident involving Ariston Waiters that occurred on the night of Wednesday, January 14, 2011...December 14, 2011 on Hickory Lane Circle. The results of the GBI investigation have been forwarded to the Fulton County District Attorney’s Office for review. The Union City Police Department has been transparent from the onset in its handling of the investigation. Immediately upon learning of an officer involved shooting, the Chief of Police contacted the Georgia Bureau of Investigation and Fulton County District Attorney’s Public Integrity Unit to conduct an impartial investigation. Special Agents from the Georgia Bureau of Investigation and two attorneys and an investigator from Fulton County District Attorney’s Public Integrity Unit were onsite that evening to begin their investigation. It would be premature and inappropriate for the City of Union City to comment further on the matter until the Fulton County District Attorney’s office has completed its investigation and review the incident. Further requests for information or comments should be directed to the County District Attorney’s office. Thank you.”

At this time Councilmember Mealing stated that she would like to say something.

Mayor Moore responded, “No, not right now, you can say it at the end.”

Councilmember Mealing exclaimed, “I need to say something!”

Mayor Moore responded, “No Ma’am, you are out of order.”

Councilmember Mealing interjected, “I may be out of order, but I need to say something! You were wrong and you are not going to censor me and I won’t be silent anymore! This woman has lost her child, how dare you...how dare you Mayor Moore! I didn’t know you were gone speak so since you gone speak, you gone to let me talk! I was elected by the citizens of Union City! Ma’am, and to the friends of the family and the friends of this young man, Ariston Waiters, I too am deeply sorry. I feel your pain. I will no longer be silent! I talked to my colleagues and I know that I am stepping out on a limb because I am already alienated, so I might as well just tell the truth! The truth is; they don’t want me to tell you that I am sorry! They don’t want me to say that we should have... and we should have offered our condolences to the family when it first started! I cannot sit here, I can’t do it no longer; I’m not gone be silent! It’s wrong, it is so wrong! We should have released a statement to the family when it happened! That’s what you wanted, if it was my niece or my nephew gunned down, I would want an apology or something and nothing was done on our part and I do apologize, cause we should have said something! I’m not covering up for nobody and if the GBI won’t do their job, we’ll go to the FBI and whoever! I will help you lead that charge...I will help you lead that charge! I will not stand with this Board to say let’s wait on the GBI, I won’t do it...I won’t do it and I can’t do it any longer! I might be alienated from now on, but that’s ok; I’m gone speak for the people, I’m speaking for me and it is coming from my heart! I am so sorry to the mother of Ariston Waiters. I am so sorry, but I guarantee you I’m standing with you...I’m standing with you, whoever you want to talk to; I’m going with you! I will sign a petition, I’ll contact the FBI myself, but we gotta do something and I know they don’t want me to say this and I know they looking at me crazy and that’s ok! I can no longer be silent! That could have been my nephew; it could have been your nephew! I don’t have kids, but I have a heart! I do have a conscience and it aint right...it is not right! We gotta stand up for justice and if that officer wrong, he need to be fired and we need to do an internal investigation of our whole police department and I know...I know I’m probably gone to get a lot of backlash, but that’s ok; I’m a big girl! That’s why I got elected, I stand alone, but I stand for righteousness! I’m Councilwoman Angelette Mealing, M-E-A-L-I-N-G. I stand correct and I apologize! Let justice prevail!”

During this time the audience became loud and some began to leave.

Councilman Williams asked if he could say something. Councilman Williams stated, “May I speak please.”

City Manager Steve Rapson stated, “Excuse me, Councilman Williams has something he would like to say.”

Councilman Williams reiterated, May I speak please. I am Councilman Vince Williams. I certainly want to offer, to Ms. Waiters, our sincere apology for your loss; but we have certainly tried to follow the rules of the law and we have tried to be respectful. He added that Ms. Mealing certainly has exemplified her passion; we all sit here concerned about the incident that occurred. He added that he has a 17 year old daughter, so certainly, he is concerned. He added that several other members of the body are parents and we are not careless, we certainly have a heart and we have been praying for the family and we will continue to do so. Councilmember Williams offered a sincere apology again for Ms. Waiter's loss and stated that that we would continue to keep her lifted up in prayer.

Due to continued comments and outbursts from the audience, Mayor Moore called for order.

Mr. Rapson suggested a five minute recess while the chambers cleared to avoid any interruptions during the swearing –in ceremony of Councilmembers Jones and Williams.

Mayor Moore stated that there would be a five minute recess.

III. ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

1. Swearing-in of Councilmembers Brian Jones and Vince Williams (Incumbents)

Councilmembers Brian Jones and Vince Williams were sworn in by Judge Ronald J. Freeman. Councilman Jones was accompanied by his wife, Rhonda. Councilman Williams was accompanied by his daughter, Nia. His wife, Sharon Williams, attended the swearing-in via videoconference.

Mayor Moore congratulated Councilmen Jones and Williams. He then added that they have been the backbone of this Council and have extremely vetted the spirit of which we have had many successes in our community. He concluded that he looks forward to working with them again.

Councilmember Jackson agreed.

2. City Clerk receives CMC Designation from the International Institute of Municipal Clerks (IIMC)

City Clerk, Jacqueline R. Cossey, was presented the award of certified municipal clerk designation on behalf of IIMC by Councilman Vince Williams. Councilman Williams provided the history of the organization and presented Mrs. Cossey with the award followed by a photo.

IV. CONSENT AGENDA:

All matters listed on the Consent Agenda are considered routine by the Council and will be approved by one motion. No separate discussion will take place on these items. If discussion of any Consent Agenda item is desired, the item will be moved to the Regular Agenda for separate consideration.

1. Approval of the minutes: Worksession Meeting, None

2. Reappointment of Shayla Nealy to serve on the Zoning Board of Appeals and Planning Commission.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, the aforementioned request was unanimously approved.

IV. OLD BUSINESS: None.

REGULAR/NEW BUSINESS:

1. Council to consider re-appointment of the City Clerk, Jacqueline R. Cossey.

On motion of Councilmember Williams seconded by Councilmember Mealing and carried, the City Clerk's re-appointment was unanimously approved.

Mayor Moore congratulated Mrs. Cossey on her re-appointment and introduced Mr. Cossey to the audience.

2. Council to consider re-appointment of Department Directors:

City Attorney:	McNally, Fox, Grant & Davenport
Fire Chief:	Donald Leasher
Jail Chief:	John Mansch
Police Chief:	Charles Odom
Public Services Director:	Sylvester Alexander
City Engineer:	Keck & Wood

Councilman Williams suggested approving all remaining re-appointments at once if there were no objections.

No objections were made.

On motion of Councilman Williams, seconded by Councilman Jones and carried, Council unanimously approved all aforementioned reappointments.

3. Council to consider appointment of Mayor Pro-tem for 2012.

Mayor Moore stated that it was Councilmember Jackson's turn to serve as Mayor Pro-tem.

On motion of Councilmember Jones seconded by Councilmember Williams and carried, Councilwoman Shirley Jackson was appointed Mayor Pro-tem for 2012. Vote was unanimous.

Councilwoman Jackson thanked her colleagues.

4. Council to consider approval of request to initiate a text amendment to amend the sign ordinance.

City Planner Ann Lippmann stated that she was requesting that the City Council direct the Planning Commission to initiate a text amendment to the sign ordinance. She added that she thinks that it is time for an overall review of the sign ordinance that specifically mentions allowing illuminated window signs.

On motion of Councilmember Williams seconded by Councilmember Mealing and carried, the aforementioned request was unanimously approved.

5. **Public Hearing** to consider a petition submitted by Tri Luong Bui for on-premise consumption of malt, vinous and spirituous liquors with Sunday Sales for Citizens Lanes, LLC located at 5100 Gladys Knight Lane, Union City, GA.

City Planner Ann Lippmann led this discussion and stated that this is the fourth request for an alcohol beverage license for this location. She added that the application was submitted in December and has been reviewed by the City Attorney's office and found to be in legal form. She further added that the annual license fee for an on-premise beer, wine and spirituous license with Sunday sales would be \$8,750.00 and staff recommends approval.

Public hearing opened.

No one came forward.

Public hearing closed.

On motion of Councilmember Williams seconded by Councilmember Jackson and carried, the aforementioned request was unanimously approved.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 49.655 acres of property located along Stonewall Tell Road from R-3 to TCMU by Stonewall Three, LLC. ***Planning Commission recommendation – approval***

Ms. Lippmann also led this discussion and stated that this property was annexed into Union City effective August 1, 2011 and at that time it was zoned R-3. She added that the majority of the surrounding property is zoned Town Center Mixed Use (TCMU). Ms. Lippmann stated that the property owner submitted a rezoning application which was heard by the Planning Commission in December and the Planning Commission unanimously voted to recommend approval.

Councilman Jones asked if there were any future developments in sight.

Ms. Lippmann stated that she was not aware of any.

Public hearing opened.

Matt Ornstein, petitioner, addressed the Council and spoke in favor of the rezoning.

Public hearing closed.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the aforementioned request was unanimously approved.

VIII. OTHER BUSINESS:

At this time City Attorney Davenport stated that an issue came up between Union City and Fairburn with respect to a boundary. He added that there are some properties that are in the City limits of Fairburn that really have to be accessed through Union City as there is no access to these properties in Fairburn. He further added that Fairburn's and Union City's City Managers have talked to see if it was feasible to have some type of action taken to adjust those boundaries so that the physical location of the properties that are actually in Union City should legally be in Union City and those for Fairburn should be in Fairburn. Mr. Davenport stated that the problem with this type of an issue is; we can't go through a normal annexation process because it would result in creating an unincorporated island for a brief period of time that it has to go back into Fulton County to go into either City. He added that there is a way to accomplish this through a local act through the General Assembly if the Council chooses to do so. He then stated that last week, Fairburn adopted a resolution among other things requesting the local act of the General Assembly go forward to address these boundary issues. Mr. Davenport stated that this would be an appropriate time, if the Council wants to adjust those boundaries and Fairburn is in full agreement to adjust those boundaries, to send this information to the General Assembly and let them produce a local act which would correct these boundaries.

Mr. Rapson stated that this goes back to issues with the voter jurisdictions and this cleans up those boundaries and the only way to do that is through a legislative act.

Councilmember Mealing asked how long would this process take.

City Attorney Davenport explained the process and stated that it could take as long as July 1, 2012 or by signature of the Governor.

Councilmember Jackson asked what do the residents have to say.

Mr. Rapson stated that all of the residents in question have always thought that they have been in Union City because we have provided them services. He added that up until this past year, Union City historically has provided all of those services and right now they are being directed back to Fairburn. He concluded that at this point there is no development so there is really no issue and we want to solve it before it becomes an issue in the future.

Councilman Jones asked how many homes are impacted.

Mr. Rapson stated that there are about 18 homes and approximately 6 condominium units that are literally split in half. He added that when they created Fairburn years ago, there was an arch and that arch cuts through two subdivisions.

On motion of Councilmember Williams seconded by Councilmember Mealing and carried, the aforementioned resolution was unanimously approved.

City Manager Reports: None.

IX. REPORTS AND ANNOUNCEMENTS BY MAYOR AND COUNCIL:

Councilman Jones congratulated Mrs. Cossey on her certification and re-appointment. He then thanked staff for all that they do for the City. Lastly he thanked his family, friends and especially his wife for attending his swearing-in ceremony.

Councilman Williams thanked everyone for coming out this evening. He added it was a passionate evening and asked everyone to be in prayer for that family. He then thanked his daughter for standing in for his wife, a deployed soldier, who was unable to physically attend. He also thanked some of his closest family from church as well as the staff.

Mayor Moore wished everyone a happy New Year and stated 2012 will certainly be an exciting time and he is looking forward to the State of the City Address. He added that he believes that a lot of exciting things were accomplished in 2011. He then stated that he would like to reiterate that we speak as one voice and our voice amplifies what Union City is about.

X. ADJOURNMENT:

On motion of Councilmember Williams seconded by Councilmember Jackson and carried, the meeting was adjourned.

Jacqueline R. Cossey, City Clerk

Ralph Moore, Mayor