

MINUTES
REGULAR COUNCIL MEETING
TUESDAY, MARCH 20, 2012
7:00 P.M.

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Councilwoman Shirley Jackson

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

Public comments were made by the following:

Wardell Sims of 5140 Highpoint Road spoke regarding Stone Point Colony Association water bill issues.

Rena Green of 6354 Shannon Parkway addressed the water bill issues at Stone Point Colony and requested a meeting to speak with a representative of the City to avoid interruption of their water and sewer services.

Yvonne Barber of 385 Church Street spoke regarding her displeasure with the City Manager, Police Department, Chief Jailer and the Code Enforcement Department.

III. ACKNOWLEDGEMENTS/PRESENTATIONS:

A proclamation recognizing the Recreational Advisory Committee (RAC) and staff for their efforts in obtaining a \$15,000 grant to build a new playground at Ronald Bridges Park.

At this time Councilmember Shirley Jackson presented the Recreational Advisory Committee with the proclamation, followed by a group photo.

Mayor Moore stated that we have moved from a solo thought with regards to recreation to more of a group and inclusionary and the results are great.

Councilwoman Mealing stated that these are great volunteers. She added that when organized sports were brought back to Union City, a few of these volunteers said that they wanted to get involved and she is pleased to see them bring in grants and expand the programs. She concluded that she appreciates their hard work.

A proclamation recognizing the contributions of Mr. Anthony Ballard.

Councilman Brian Jones presented Mr. Ballard with a proclamation for his commitment and hard work followed by a photo.

At this time Mr. Rapson recognized Melva Steps who actually wrote the KABOOM grant for Parks and Recreation.

A proclamation recognizing Union City's Parks and Recreation Eight and Under and Seventeen and Under Basketball Teams

Councilman Williams presented the eight and under with a proclamation for their advancement to the State play-off. The presentation was followed by a photo.

IV. CONSENT AGENDA: None. (March Worksession Canceled)

V. OLD BUSINESS:

1. Staff report regarding large trucks idling in the City limits

Mayor Moore called for a vote to bring the item to the floor for discussion.

On motion of Councilman Williams seconded by Councilman Jones and carried, the item was brought to the table for discussion. Vote was unanimous.

City Planner Ann Lippmann led this discussion and stated that this was brought up by Councilman Jones at the last meeting and she did a little research from the information that he provided from the City of Atlanta. She added that she provided the Council with a staff report including examples from all over the United States. She added that Georgia is the most generous. Ms. Lippmann stated that in some states idling is limited to 10 minutes. She added that if this is something that the Council would like to change, she would recommend changing chapter 14 of the code of ordinances which deals with traffic and motor vehicles, specifically article 3. She further added that there would be a new section, 14-36 which pertains to restrictions for trucks and buses.

Mr. Rapson stated that there is an actual write-up of a text amendment on page 5 of the staff report.

Mayor Moore asked if this has been properly advertised.

City Attorney Davenport stated that the code of ordinance is fine, but the zoning ordinance has to be advertised.

Councilman Williams motioned to support this change in the ordinance seconded by Councilwoman Mealing and carried, the aforementioned item was unanimously approved.

VI. NEW BUSINESS:

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 Meeting Agenda for separate consideration.

1. Approval of the minutes:

Worksession Meeting 02/13/2012

On motion of Councilwoman Jackson seconded by Councilwoman Mealing and carried, the minutes were approved as written. Vote was unanimous.

Regular Council Meeting, 02/21/2012

On motion of Councilman Williams seconded by Councilwoman Mealing and carried, the minutes were approved as written. Vote was unanimous.

2. Council to consider approval of an ordinance pertaining to Stormwater Utility Rates.

Mr. Rapson led this discussion and stated that this is one of the steps towards getting ready to do our stormwater utility. He added that a contractor has already been selected and they are going to be doing the stormwater utility base and analysis to identify those particular properties. Mr. Rapson stated that there are a couple of minor changes, changes to form, which have no substance.

Councilman Jones asked if this had anything to do with a document that he received regarding a protest.

Mr. Rapson responded, "No".

Mayor Moore stated that the document did not define what stormwater management is. He added that the document talked about stormwater, but did not define what it meant. He added that it should be defined.

Mr. Rapson stated that they could do that.

Councilwoman Mealing pointed out an error on page 5 regarding an amount of \$6.00.

Mr. Rapson stated that it will be one of the edits in the document. He added that there is also an edit on page 3 to change a 0 to an X. He further added that the last line on page 4 will also be edited. He concluded that number 1 on page 6 will also be edited.

Councilman Williams asked if the Council will be getting a revised copy of the document.

Mr. Rapson stated that he could do that, but this will be approval to form because it cannot be adopted until the rates are defined. He added that the finalized document will have the correct information.

Mayor Moore recommended that this item be brought back before the Council in 60 days.

On motion of Councilman Williams seconded by Councilwoman Mealing and carried, the aforementioned item was deferred for 60 days.

3. Council to consider approval of a nondiscrimination agreement with the Georgia Department of Transportation.
4. Council to consider approval of a Title VI Assurances agreement with the Georgia Department of Transportation.

Mr. Rapson led this discussion and stated that numbers 3 and 4 are requirements based on the Georgia Department of Transportation. He added that these need to be formally adopted by the Mayor and Council per their direction.

Councilman Jones stated that he would like to approve items 3 and 4 with one vote as they pertain to each other.

Mayor Moore was agreeable.

On motion of Councilman Williams seconded by Councilwoman Mealing and carried, aforementioned items 3 and 4 were unanimously approved.

5. Council to consider initiating text amendment to Zoning Ordinance Article V, Section 5-35 to include the Office Institutional and Neighborhood Commercial zoning district as it relates to parking of business vehicles.

Councilman Jones led this discussion and stated that we have a lot of trucks coming into the City and Flat Shoals Road is starting to be a haven. He added that they are parking in neighborhood commercial and strip malls. He continued that sometimes there are 3 or 4 trucks at a time. Mr. Jones stated that he asked if we had an ordinance in neighborhood commercial because neighborhood commercial is right next to our residential and if that was a permitted use and it was not, so he would like to introduce that as a prohibited use to park on Flat Shoals Road. Councilman Jones stated that Flat Shoals Road is the only road on the map that has neighborhood commercial right next to residential. He stated that this will have a large impact on Flat Shoals Road. He concluded that the other commercial areas are closer to General Commercial and Town Center Mixed Use.

Mayor Moore asked if this was a zoning issue or code enforcement.

Mr. Rapson stated that this is a zoning issue.

Mayor Moore stated that he would entertain a motion to defer this item to the Zoning Board of Appeals.

On motion of Councilman Williams seconded by Councilwoman Jones and carried, the aforementioned item was deferred to the Zoning Board of Appeals.

6. ~~Council to consider initiating text amendment to Zoning Ordinance Article VI, Section 6-15 Town Center Mixed Use Zoning District and Article III Definitions.~~

This item was previously removed from the agenda.

7. Council to consider approval of a resolution designating a portion of Oakley Industrial Boulevard as a no parking area.

Mr. Rapson led this discussion and stated that this resolution is in regards to the Council's direction to make this area, near Kraft, a no parking area.

On motion of Councilman Williams seconded by Councilwoman Jones and carried, the aforementioned item was unanimously approved.

8. Council to consider a bond resolution to provide for the issuance by the City of its water and sewer revenue bonds, series 2012.

Bill Johnston, investment banker, of Raymond James led this discussion and stated that the bond resolution that the Council will approve today has not to exceed rates and amounts that allows us to go into bond validations over the next several weeks so that we can close the issue on or about April 13. He added that there are a number of steps to accomplish and this has taken a lot of time and effort by a lot of parties over a long period of time. He further added that Steve and Tarsha have done an outstanding job and he appreciates their help. Mr. Johnston stated that he plans to sell bonds next Wednesday, March 28th, and sign a bond purchasing agreement during the called meeting on March 29th to lock in the interest rate. He added that he will have a pre-close on April 12th and a closing order that must be on April 13th.

Mr. Johnston stated that the second order of business is that he has finally completed the rating on the water and sewer system for the general obligation for the general fund. He added that this is the final rating on the water and sewer system. He added that the City's rating is an A2 which is a very strong rating. He further added that it is a good outline of the City's finances. He then thanked Steve, Dennis and Tarsha for all of their help.

On motion of Councilman Mealing seconded by Councilwoman Williams and carried, the aforementioned item was unanimously approved.

9. Council to consider approval of a memorandum of understanding between the City of Union City and MB REO GA-Retail, LLC regarding the March 17, 2012 event.

Mr. Rapson led this discussion and stated that this is a ratification of a MOU that he decided that they wanted in the 11th hour with regards to the bike race which was a huge success. He added that we actually took action on this MOU on Friday.

On motion of Councilman Mealing seconded by Councilwoman Jones and carried, the aforementioned item was unanimously approved.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a text amendment to Article VI, Section 6-12 of the Zoning Ordinance to remove all users related to place of assembly from the regional Shopping Center zoning district.
Planning Commission recommendation – Approval

City Planner Shayla Harris led this discussion and stated that this is a text amendment to remove all users related to places of assembly from the Regional Shopping Center zoning district. She concluded that staff and the Planning Commission recommend approval.

Public hearing opened.

No one came forward.

Public hearing closed.

On motion of Councilman Williams seconded by Councilwoman Mealing and carried, the aforementioned item was unanimously approved.

Ms. Lippmann stated that before going over the sign ordinance recommendation, she would like to point out that since the Planning Commission's recommendation was approved regarding places of assembly from the Regional Center Shopping district; she wanted to give a brief overview of where other places of assembly stand in other districts. She then explained that the conditional use in most of the residential zoning districts have a 3 acre minimum and they are currently listed as permitted uses in office, institutional, neighborhood commercial and general commercial. She then asked if it was the pleasure of anyone on the Council to change the places of assembly in any of the other commercial zoning districts.

Mayor Moore stated that he would strongly support sending this to the Planning Commission.

Mr. Davenport stated that the way that the definition of an "eating establishment" is broadly used, it would be considered as a placed of assembly.

Council directed Ms. Lippmann to analyze all zoning districts, word it correctly and add it appropriately.

2. **Public Hearing** to consider a text amendment to the Zoning Ordinance t Article XI Sign Ordinance.
Planning Commission recommendation – Approval

Ms. Lippmann then led this discussion and stated that this was something that the Council directed staff and the Planning Commission to look at. She added that it was regarding window signs not being illuminated. She added that the Planning Commission made a recommendation to change that, prohibiting them from being illuminated. She stated that the wall sign minimum is 75 square feet which includes the window signs. She further added that there were two typographical errors and the Planning Commission recommended that these changes be approved.

Public hearing opened.

No one came forward.

Public hearing closed.

On motion of Councilman Williams seconded by Councilwoman Jones and carried, the aforementioned item was unanimously approved.

VIII. OTHER BUSINESS:

City Manager Reports:

Mr. Rapson provided the Council with a report regarding the following:

- Stone Point Colony Water Termination Letter

Mr. Rapson stated that the letters did go out and the water will be terminated on March 30th per the notice unless Council decides otherwise.

At this time Mayor Moore recommended suspending the termination for five days to give staff an opportunity to meet and review the information submitted by Stone Point Colony representatives and provide additional thoughts and recommendations at the March 29th Called Council Meeting.

Mr. Rapson stated that he would provide a recommendation on March 29th with regards to Stone Point Colony Association.

- Yvonne Barber Accusations

Mr. Rapson stated for the record that an internal investigation has been done with regards to comments that Ms. Barber made to the Council and found them to be warrantless.

At this time Mr. Rapson stated that he would like to enter into executive session to discuss 2 personnel matters.

City Attorney Davenport added that he too had an item regarding pending litigation for executive session.

IX. REPORTS & ANNOUNCEMENTS:

Councilwoman Jackson stated that she enjoyed seeing all of the participants in the bike race.

Councilman Williams stated that this was the best bike race so far and he looks forward to next year. He then thanked staff.

Councilman Jones thanked staff for all that they do. He then encouraged everyone to visit the new trail at Ronald Bridges Park. Lastly he thanked the residents for sending some of the Council to Washington D.C. to speak to the representatives about Union City. He concluded that he has a lot of new ideas.

Councilwoman Mealing stated that Ronald Bridges trail is amazing. She then thanked staff and gave a special thanks to the Parks and Recreation Program. She added that she appreciates all staff including Public Works, Fire Department, Police Department and all departments and she appreciates everyone's hard work and it does not go unnoticed. She stated that she was appointed to a couple of Boards while in Washington D.C and she too has a lot of good ideas.

Mayor Moore stated that staff brings a lot of innovation to the table and he is proud.

On motion of Councilmen Williams seconded by Councilman Jones and carried, Council entered into executive session to discuss two personnel issues and one item regarding pending litigation.

On motion of Councilwoman Mealing seconded by Councilman Williams and carried, Council reconvened to regular session.

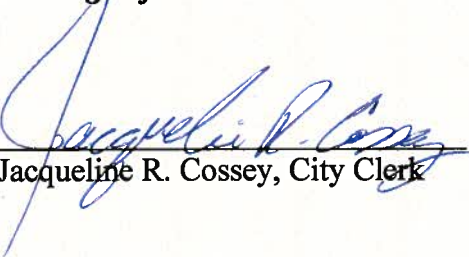
Mayor Moore informed Mr. Rapson that his contract was approved with the recommended amendments and his annual renewal would be March 1st every year.

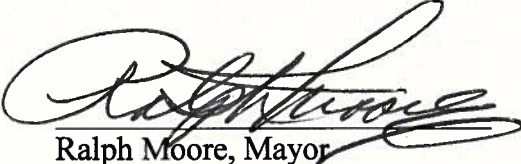
At this time Mayor Moore excused himself and asked Mayor Pro-tem Jackson to take over the meeting.

On motion of Councilman Williams seconded by Councilwoman Mealing and carried, Council renewed the City Manager's contract. Vote was unanimous.

X. ADJOURNMENT:

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


Jacqueline R. Cossey, City Clerk


Ralph Moore, Mayor

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTIVE SESSION AFFIDAVIT

Personally appeared before me, Ralph Moore, Mayor of the City of Union City, Georgia, who after being duly sworn says:

1.

I was the presiding officer of a meeting of the Union City Mayor and City Council held on the 20 day of March, 2012.

2.

That it is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection a of this Code section, the person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

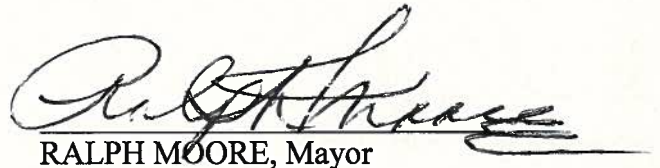
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 20 day of March, 2012, which was closed for the purpose(s) of 2 personnel matters & pending litigation matter as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

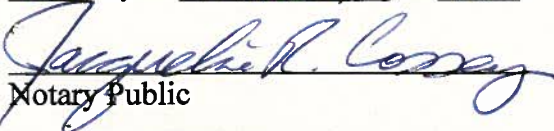
4.

This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4 (b) that such an affidavit is executed.

FURTHER AFFIANT SAITH NOT.


RALPH MOORE, Mayor

Sworn to and subscribed before me this
20 day of March, 2012.


Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires March 11, 2013

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTIVE SESSION AFFIDAVIT

Personally appeared before me, Ralph Moore, Mayor of the City of Union City, Georgia, who after being duly sworn says:

1.

I was the presiding officer of a meeting of the Union City Mayor and City Council held on the 9 day of April, 20 12.

2.

That it is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection a of this Code section, the person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

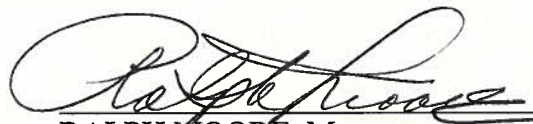
3.

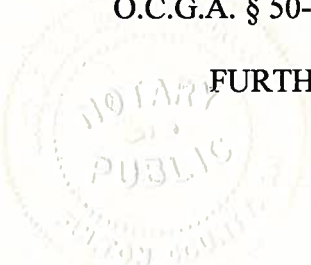
The subject matter of the closed meeting or closed portion of the meeting held on the 9 day of April, 20 12, which was closed for the purpose(s) of 1) threatened litigation matter and 2) personnel matter as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

4.

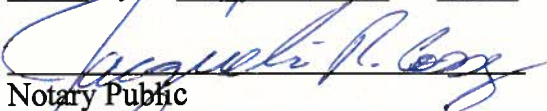
This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4 (b) that such an affidavit is executed.

FURTHER AFFIANT SAITH NOT.


RALPH MOORE, Mayor



Sworn to and subscribed before me this 9 day of April, 20 12.


Notary Public