

Mr. Rapson explained that this item will be addressed during the annual retreat on May 18. He added that he anticipates that the Mayor and Council will give him direction at that time and bring back a final revision for the June agenda.

Mayor Moore asked if there was a motion for an additional 30-days.

On motion of Councilman Williams seconded by Councilman Jones and carried, the aforementioned item was deferred for an additional 30 days. Vote was unanimous.

VI. REGULAR/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. Council to consider request from Christian City to have a Special Event Tent to be erected for more than 32 days.

City Planner Ann Lippmann explained that Mr. Bob Crutchfield requested that the request be withdrawn.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 2.703 acres located at 4715 Roosevelt Highway from Fulton County M-1 to Union City M-1 by Corbitt's Collision Center, Inc. ***Planning Commission recommendation – Approval***

City Planner Ann Lippmann led this discussion and stated that she would discuss items 1 (one) and 2 (two) together. She added that this is a rezoning request associated with an annexation request. She further added that the property is currently zoned M-1 in Fulton County and the petitioner is requesting Union City M-1. Ms. Lippmann stated that this is an industrial building and they intend to relocate their collision center here. She concluded that the Planning Commission recommended approval of rezoning this property to Union City M-1 and also recommended approval of the annexation request which is pursuant to the 100% method of the annexation law and does not need a public hearing.

Public hearing opened.

No one came forward.

Public hearing closed.

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

2. Planning Commission to consider annexing the 2.703 acres of property into the corporate limits of Union City by Corbitt's Collision Center, Inc. ***Planning Commission recommendation – Approval***

Ms. Lippmann stated that she had no additional information to present.

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

3. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 10.71 acres of property located on Flat Shoals Road from R-1 to GC by Passarella Construction, L.L.C. ***Planning Commission recommendation - approval***

Ms. Lippmann also led this discussion and stated that this property is currently undeveloped and is located at the intersection of Buffington Road and Flat Shoals Road. She added that the applicant submitted a rezoning request to rezone this property General Commercial and at their meeting in April, the Planning Commission recommended approval.

Public hearing opened.

Pastor David Scott, Senior Pastor of Emmaus Road Missionary Baptist Church located at 3725 Flat Shoals Road. Pastor Scott spoke in opposition of the rezoning and provided the Council with a traffic study performed by his church regarding the traffic flow at this intersection.

Bonnie Hinton of 6354 Shannon Parkway spoke in opposition of rezoning this property to General Commercial.

Bridgette Cummings of 5701 Rockaway Drive also spoke in opposition of the rezoning.

Lou Passarella, spoke on behalf of the property owner, The Body of Christ Church. Mr. Passarella spoke in favor of the rezoning. He then introduced Carlos from The Body of Christ Church.

Carlos Christian of The Body of Christ Church located at 3650 Flat Shoals Road. Mr. Christian stated that he was present to represent Dr. Joseph Ripley and the church family. He concluded that he and the church are in support of the rezoning.

Lou Passarella spoke again and reiterated the fact that he is in favor of the rezoning.

Councilmember Williams asked if there has been a definitive agreement to bring in a service station or gas station.

Mr. Passarella stated that this is the type of businesses the purchaser or the person that is looking at buying this property does and this is a major part of what they want to do.

Councilmember Williams stated that this is one of his concerns because he lives right down the street. He added that he worked with Atlanta Gas and Light for well over 20 years and he is familiar

with the placement of gas tanks underground and this is not something that we need to be fearful of. He then added that he would like to share with his neighbors that the Council is trying to find ways to bring revenue streams into the City as well as job opportunities and this is not something that we have to start throwing rocks at. He added that this is something that will be a benefit to the City. He further added that often times we are afraid of things because it may look one way, but before anyone can start selling liquor in the City, they have to come before the Mayor and Council as well as retain a liquor license. He concluded that no one can just start selling liquor in the City because that is not going to happen.

Councilmember Mealing asked Mr. Passarella if he had a traffic study performed done at the intersection. She added that there is a lot of traffic there especially on Sunday.

Mr. Passarella stated that the preliminary site plans have driveways that are well off of the intersection and there will be a deceleration lane on Flat Shoals Road so that will help mitigate any traffic concerns at the intersection itself. He added that these plans are preliminary and as they come in, the staff will review them and there will be engineering comments and if there are concerns about the design of the intersection; that will come up during the plan review and we will address those issues and make sure that we have good safe intersections.

Public hearing closed.

Councilmember Jones motioned to deny this request seconded by Councilmember Mealing. The motion died for lack of support.

On motion of Councilmember Jackson seconded by Councilmember Williams and carried, the motion was approved by a 3-to-2 vote. Councilmembers Jones and Mealing voted in opposition.

4. **Public Hearing** to consider a text amendment to the Official Zoning Ordinance to Article V, Section 5-35 as it relates to Parking of Business Vehicles. ***Planning Commission recommendation - approval***

Ms. Lippmann led this discussion and stated that this text amendment is to change section 5-35 of Article V to General Provisions. She added that currently we do not allow any parking of business vehicles in any residential or multi-family zoning districts and this text amendment would include office institutional or neighborhood commercial zoning districts to be a prohibition of commercial vehicles.

Public hearing opened.

No one came forward.

Public hearing closed.

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

5. **Public Hearing** to consider a text amendment to the Zoning Ordinance to Article VI Section 6-15 "Town Center Mixed Use" Zoning District. *Planning Commission recommendation - approval*

Ms. Lippmann also led this discussion and stated that there are two components to this text amendment. She added that one would be to include two definitions to Article III, definition its data centers and assembly plans. She further added that the main changes to the "Town Center Mixed Use" Zoning District deals with separating out uses for residential, commercial, retail service, institutional and industrial and there are some new specific recommendations for industrial and the Planning Commission did recommend approval of the staff recommended text changes. She concluded that she would be happy to answer any questions.

Councilmember Williams asked if we have a definitive clarification of uses for this.

Ms. Lippmann stated, "Yes". She explained that each one of the broad categories like residential institution has been broken down further to those uses that are permitted. She then offered to go over the new recommendations that are to be added.

Mr. Williams asked to hear the new additions.

Ms. Lippmann stated that the only new things being added to the commercial retail and service retail uses are finance insurance offices, management of companies and enterprises and professional scientific and technical services. She added that the uses that were recommended to be added to the industrial uses are assembly plants, bakeries and food manufacturing, computer and electronic part manufacturing, data centers and computer facilities management services, medical equipment and supplies manufacturing, pharmaceutical and medicine manufacturing, transportation and equipment manufacturing, warehousing and storage and wholesale trading of durable and nondurable goods.

Public hearing opened.

Lauren Hansford of The Galloway Law Group spoke on behalf of Majestic Realty. Ms. Hansford spoke in favor of the text amendment and requested the use of the North American Industry Classification System (NAICS) codes. She then submitted a letter into the record consisting of six additional uses that she would like to be included as permitted uses in the Town Center Mixed Use (TCMU) zoning district. Ms. Hansford stated that those uses are: apparel manufacturing, plastic and rubber products manufacturing, electrical equipment, appliance and component manufacturing, furniture and related product manufacturing, machinery manufacturing and miscellaneous manufacturing. She then explained that miscellaneous manufacturing is defined under NAICS. She then requested that the Council consider including the aforementioned six additional uses in the text amendment.

Matt Ornstein of Majestic Realty spoke in full support of the text amendment. He then stated for the record that he also supports the additional six NAICS sub sectors as permitted uses per the exhibit that was submitted. He then asked for Council's approval.

Public hearing closed.

Mayor Moore asked Ms. Lippmann if we make reference in our zoning ordinance to the NAICS.

Ms. Lippmann stated not really.

Mayor Moore stated that it would be very difficult to insert a different format unless we itemize those uses within the zoning ordinance.

Ms. Lippmann stated that we have a hybrid of terms that we have used in the past and when we make a change I will use the next term so we can have something definitive to refer back to.

Mayor Moore stated that he recalls asking that this should be our format, but a very bright attorney said no. He then stated that he would prefer that we go to that format if all possible to identify, from a legal stand point, it identifies uses under a broader category which is more defensible in a court of law in his opinion.

Councilmember Mealing stated that she did not understand Mayor Moore's position. She asked him to explain his position further.

Mayor Moore stated that his position is, unless Ms. Lippmann can amend the ordinance to include the NACIS, our current format only permits us to itemize those uses. He then asked City Attorney Davenport if he was correct.

Mr. Davenport stated that with the way that it is set up right now, that is correct. He added that you have them itemized as your ordinance has them set out.

Councilmember Jackson asked for clarity whether the Council could add the six additional uses.

Mayor Moore stated we can add them, but under the format of the NAICS and that would not be wise at this time. He added that we would have two different formats and he thinks that the format that the Council should choose to itemize those uses under those broad categories. He added that those six uses are probably broader uses but they have sub uses under them.

Ms. Lippmann stated that the following are considered miscellaneous manufacturing: medical equipment and supplies manufacturing, jewelry and silverware manufacturing, sporting and athletic good manufacturing, doll and toy manufacturing, office supplies except paper manufacturing, sign manufacturing, musical instrument manufacturing, needle and pen manufacturing, broom, brush and mop manufacturing, and burial casket manufacturing.

Councilman Jones asked if we take our current TCMU and add these six, in theory, we could have a bakery within a block of a plastic manufacturing company.

Mayor Moore stated if it is zoned appropriately, yes.

At this time Mr. Rapson asked if it would be appropriate to take his list of six additional uses back to the Planning Commission and get their recommendation to bring back to the Council as opposed to attempting to amend this tonight.

Mayor asked Ms. Lippmann if the six uses here are comparable to the uses existing in our current like manufacturing classification.

Ms. Lippmann responded, "Yes they are".

Mayor Moore stated that he does not see any need taking it back to the Planning Commission if the uses are similar to what is found in our light industrial currently because they are asking that light industrial be a part of the industrial classification. He concluded that it is up to the Council, but he can see no reason why it can't be done.

Ms. Lippmann provided the Council with a little history and stated that before TCMU, industrial use was a conditional use and it said light industrial and warehouses and there were no conditions, so adding this list of uses actually brings some well needed specificities to what exact uses are allowed. She added light industrial was never defined anywhere.

On motion of Councilmember Williams seconded by Councilmember Mealing, the aforementioned item and the 6 (six) additional uses was unanimously approved.

VIII. OTHER BUSINESS:

City Manager Reports:

Mr. Rapson reminded the Council that the Annual Retreat was scheduled for Friday, May 18th at the Dolce.

IX. REPORTS & ANNOUNCEMENTS:

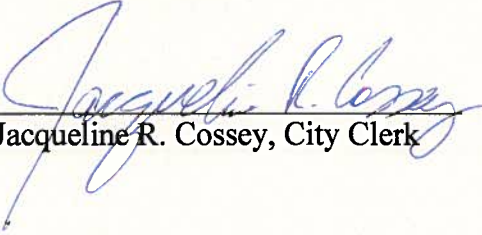
Councilman Jones thanked the City employees for continued excellence.

Councilman Williams thanked the staff for their hard work. He then thanked the students for participating in Union City's first Magic of Cities Week Essay/Art Contest. Councilman Williams further stated that we are in dire straits in our nation and we all know this, so we need to be very cautious before we start selecting who and what we want to come into our communities because there was a time when many of us were singled out not to come into communities. He added that this is a time where we need to embrace entrepreneurship. Mr. Williams added that any type of business that comes in, Union City will be the first that will be taking a look at what they are doing and how they are doing it. He concluded that we are not going to harm our citizens because we live here with you and know that this Council is standing on the forefront for you and any fears that you have.

Mayor Moore congratulated the children who participated in the Essay/Art Contest. He added that school will be out soon and the children will be in the streets, sidewalks playing and having fun and being kids. He then asked the motorist and parents to keep an eye out for the children this summer. He concluded this is going to be a great and hopefully our Parks and Recreation Department will have things for the children to do.

X. ADJOURNMENT:

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



Jacqueline R. Cossey, City Clerk



Ralph Moore, Mayor