

MINUTES
REGULAR COUNCIL MEETING
TUESDAY, JUNE 19, 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 Steve Rapson

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

Public comments were made by the following:

Kathy Adams of 6465 Connell Road, College Park, Georgia spoke in opposition of the rezoning and proposed retail and commercial development located at the intersection of Buffington and Flat Shoals Road.

Sheila Louder of 6625 Hiddenbrook Trail, College Park, Georgia spoke on behalf of the Pointer Ridge Community Association. She then spoke in opposition of rezoning the parcel of land located at the corner of Flat Shoals and Buffington Road.

Brenda Floyd of 6610 Buckhurst Trail, College Park, Georgia spoke in opposition of the General Commercial zoning at the intersection of Buffington Road and Flat Shoals Road.

III. ACKNOWLEDGEMENTS/PRESENTATIONS: None.

IV. CONSENT AGENDA:

- 1. Approval of the minutes: Worksession Meeting, 05/07/2012
Regular Council Meeting, 05/15/2012
2012 Annual Retreat, 05/18/2012
- 2. Council to consider approval of a request for a resolution for the Americans with Disabilities Act (ADA) Transition Plan.
- 3. Council to consider approval of a request for a resolution to adopt certain policies and procedures in compliance with the Americans with Disabilities Act.
- 4. Council to consider approval of a request for a resolution to allow Housing Authority of Fulton County, Georgia (HAFC) to operate within the City limits of Union City.

5. Council to consider approval of a letter of support of a 150-unit multifamily housing project for seniors, Providence at Parkway Village.
6. Council to consider approval of a resolution in support of a 150-unit multi-family housing project for senic Providence at Parkway Village. **(Duplicate: See Number 4)**

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

V. OLD BUSINESS:

1. Council to consider approval of a Stormwater Utility Ordinance. *(This item was deferred for an additional 30 days from May 15, 2012)*

Mr. Rapson explained that items number one and two under old business were regarding the implementation of the stormwater utility and were discussed during the annual retreat as well as the June Worksession Meeting.

Councilmember Mealing stated that she read the last two sets of minutes and wanted clarification as to why we did not start the ERU's at \$3.00 as opposed to \$4.00. She added that in the metro area the range is from \$2.00 to \$8.00.

Mr. Rapson stated that the ERU ranges from \$3.00 to \$5.00, but Atlanta is up to \$6.00. He added that during the retreat, the majority of the Council decided to go with \$4.00 which is why the ordinance was modified to reflect that decision.

On motion of Councilmember Jones seconded by Councilmember Jackson and carried, the aforementioned item was approved by three to one (3-to-1) vote. Councilmember Mealing voted in opposition.

2. Council to consider approval of a Stormwater Utility Rate increase.

Mr. Rapson led this discussion and stated that this would actually establish the ERU at \$4.00 as proposed at the retreat. He added that the only direction that he needs from the Mayor and Council would be the time frame for the implementation.

Mayor Moore stated that he suggested September. He added that this would provide sufficient time to notify the residents.

Councilmember Jones clarified that it would be billed monthly.

Mr. Rapson confirmed that it would be billed monthly. He added that notification would go out in the water and sewer bill.

Councilmember Mealing asked what would be the average bill.

Mr. Rapson stated that the average bill would consist of the usage for water and sewer and an additional \$4.00 for stormwater utility.

Councilmember Jackson clarified that it would not be any more than \$4.00.

Mr. Rapson stated that it would be \$4.00 for residents, but for commercial and other properties; it would be based on the ERU's of that particular property.

Councilmember Williams stated that there are other areas that are already doing this as we speak. He added that we should get the word out that if we do not do something now, the City will be impacted with being responsible for taking care of those pollutants in our water system.

Mr. Rapson stated that the reality of the matter is that we are responsible now under the state unfunded mandate to take care of it right now.

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

3. Report regarding the status of the structure located at 6583 Clayborn Avenue. *(Status report requested to return 90 days from March 20, 2012)*

At this time Mayor Moore stated that he needed a motion to bring this discussion to the table.

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

Brian Epstein, Deputy Building Official and Plans Examiner with Safebuilt, led this discussion and stated that Mr. Mundt was unable to attend and asked that he provide a report on his behalf. Mr. Epstein stated that on June 14, he visited the property for a visual examination along with Polly Miller of Code Enforcement and Mr. Mundt. He added that Ms. Arnold, the homeowner, was there as well as an individual that she had doing some minor construction work. He then presented the Mayor and Council with photos of the property and stated that this was strictly an exterior examination of the property. Mr. Epstein stated that the siding was missing in several areas, there was OSB, plywood and painted foam board on the house. He added that they noted deficient areas on the roof and column for the electrical mass was pulled away at the roof line. He further added that there were holes in the soffit as well as in the siding that would allow for rodents and pests to enter the structure. Mr. Epstein stated that there was an attempt to repair the deck railing in the back; however, it is still in a non-code compliant manner. He added that there was also deterioration of the roof covering itself. He concluded that in December, Mr. Mundt indicated that the estimated cost would exceed 50% of the structure value and proposed a recommendation and that recommendation would still stand.

Councilmember Mealing asked if the homeowner was planning to repair the home.

Mr. Epstein stated that she was considering it at one time and he has not been in contact with her since then.

Mayor Moore stated that he would take comments from the property owner.

Hazel Arnold of 6583 Claybone Avenue addressed the Council with her daughter and stated that she had an appraisal for the property. She added that she was told to secure the property within 30 days, which she did. She further added that she was told that she had 90 extra days to repair the property and bring it up to code. Ms. Arnold stated that she was not given any paperwork what so ever. She added that she made phone calls to Mr. Mundt and Polly and could not get any direction. She further added that she was told to come in with proof that she could have the property repaired, so she brought an estimate and her bank statement as proof that she can repair the property. Mr. Arnold stated that she became depressed after her husband past away seven years ago and she did not maintain the property. She further added that she has an estimate totaling \$8,955.00 to repair the home and that included labor.

Mayor Moore asked Ms. Arnold when she plans to begin the work.

Ms. Arnold stated that it could have been done by now, but she was told to stop the work, but she understood that the 120 days would have expired on the June 23; however she was told to stop working.

Councilmember Jackson asked Ms. Arnold if her estimate included repairing the inside of the home.

Ms. Arnold stated yes. She added that she has estimates from a licensed plumber, a licensed electrician and a licensed contractor. She further added that the contractor was present with her tonight. Ms. Arnold stated that there was not much to repair inside and they never inspected the inside of the home and the paperwork states that they did not inspect the inside of the home. She added that she received a call from Polly and told her that she was on the property and was waiting for her to let her in to inspect the property, but she did not know that Polly was coming and she was in Hawaii and unable to let her in. She concluded that she and her husband bought this property 45 years ago and put a lot of work into it and she does not want to lose it like this.

Councilmember Jackson asked Ms. Arnold if she plans to live there.

Ms. Arnold stated that she is not sure right now, but after she puts all of her savings into this house; she does not have anywhere else to go. She added that she would rather put her savings into the house than to lose the house that she has had for 45 years.

Councilmember Williams asked Ms. Arnold is she was certain that she wanted to undertake this huge debt.

Ms. Arnold stated yes.

Councilmember Williams asked Ms. Arnold how much time she would need.

At this time Ms. Arnold's daughter, Nakita Johnson, stated that they think that the statement from the inspector should be revised because it states that they never entered the home. And most of these things are fabrications of what needs to be done. She added that the report also stated that her mother would

not let them in, but she was in Hawaii and she never received a list of repairs. She concluded that Polly gave her a list on June 4.

Ms. Arnold stated that she returned on June 10.

Mayor Moore stated that he would like to hear from the contractor.

The contractor stated that there are minor issues which include the roof and the inside, but the majority of the work is cosmetic. He added that he is a state licensed contractor and he would have to bring in licensed plumbers and licensed electricians and whatever she needs to do in order to keep her property, he would work with her.

Councilmember Williams asked for the estimated timeframe.

The contractor stated that if money was no object, it could be done in a couple of weeks, but being realistic he would rather say 30 to 45 days.

Councilmember Mealing stated that usually property owners do not come with the means to repair the property and bring it up to code so in light of hearing this report; she would like to extend her the 45 days to bring the property up to code and address the issues stated by Mr. Mundt and Safebuilt.

Councilmember Jones stated that he would like to make a friendly amendment to extend her 60 days.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the Council extended Ms. Arnold 60 days to bring the aforementioned property up to code. Vote was unanimous.

Mr. Rapson asked to obtain the homeowner's permission to do an inspection inside and out. He added that his primary concern is that the home is in good standing for the neighborhood.

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 approval of a resolution authorizing a Tax Anticipation Note (TAN) to be issued in the principal amount of \$3,300,000.

Mr. Rapson led this discussion and stated that they are attempting to do the finalizing on Friday and with Council's approval tonight the proper documents will be signed and we will close on Friday.

Councilmember Jones asked Mr. Rapson to state the interest rate on the TAN for the record.

Mr. Rapson stated that the interest rate is 0.89%.

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

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a text amendment to the Zoning Ordinance to Article VI Section 6- 9 “Office-Institutional” Zoning District, Section 6-10 “Neighborhood Commercial” Zoning District and Section 6-11 “General Commercial” Zoning District as it pertains to permitted and conditional uses in those districts. *Planning Commission Voted 3-2 to leave all permitted and conditional uses in the O-I, NC and GC zoning districts as they currently are.*

City Planner Ann Lippmann led this discussion and stated that this text amendment was initiated by the Mayor and Council. She added that staff was asked to look at all of the commercial zoning districts with regards to places of assembly. She further added that she provided the Mayor and Council with a lengthy staff report consisting of a history of places of assembly in our commercial zoning districts. She stated that staff’s recommendation was to leave neighborhood commercial and Office Institutional as they are. She further stated that Office Institutional is mostly the Christian City area and is residential in nature. Ms. Lippmann added that Office Institutional does not allow the sale of alcohol and neither does neighborhood commercial; therefore, the distance requirement is a moot point. She concluded that staff’s recommendation was to remove places of assembly from the General Commercial zoning district and this was presented to the Planning Commission and they opted to recommend leaving all three districts as they are.

Public hearing opened.

No one came forward.

Public hearing closed.

On motion of Councilman Williams seconded by Councilwoman Jones and carried, Council voted to support staff’s recommendation. Vote was unanimous.

VIII. OTHER BUSINESS:

City Manager Reports:

Mr. Rapson provided a report regarding the following

- Residential Customer Deposits

Dwayne Eberhardt has been reviewing our policy as well as other local cities’ policies with regards to residential customer deposits. The policy has been \$125 for an undetermined amount of years. He is in the process of implementing an online utility exchange that would administer a quick credit check and rate individuals as poor, minor or good. The recommendation is to implement a tiered system. A good credit rating would carry a \$200

deposit, a moderate rating would carry a \$300 deposit and a poor rating would carry a \$500 deposit. The cost to implement this would be \$2.90 per credit check. Palmetto and Fairburn have this system in place. Palmetto's deposits are \$150, \$350 and \$550. Fairburn's deposits are 0, \$125, \$175. We are between them because this deposit is for water, sewer and sanitation.

- AFG Grant – Fire Equipment Grant \$50,000

This is the Assistance for Fire Fighters Grant and we are getting ready to request for an equipment grant for \$50,000. This will come up again during the budget process. The award will come in at the latter part of August.

Councilmember Mealing asked if there was a match for this grant.

Mr. Rapson stated there is a 5% match which amounts to \$2,500.

IX. REPORTS & ANNOUNCEMENTS:

Councilmember Mealing stated that she enjoyed the Movies by Moonlight and hopefully more citizens will come out to see the next movie, "The Help". She added that we need to get the word out that the concert is coming up on July 3. She then thanked Public Works or whoever fixed the potholes on Flat Shoals Road as well as staff for all that they do for the City.

Councilmember Jones thanked staff for making Union City a place to live, work and play. He then urged everyone that July 2 is the last day to register to vote for the July Primary and October 9 is the last day to register to vote for the November Election. He added that this is important to register to vote so that you have a voice and if you do not vote, you cannot complain about who is representing you.

Councilmember Williams stated that he has written a letter regarding the jobs that originated through the JOLT Act. He added that he is forwarding the letter to Senators Saxby Chambliss and Johnny Isakson asking for their support. He further added that this has been a bipartisan issue and it is about assisting those who want to travel internationally from their country to the U.S. and with Atlanta's new international terminal, this would be a huge advantage for us. Mr. Williams stated that JOLT ensures that folks can travel without any opposition or constraints that they have had in the past. He added that we need to take a look and see how Union City can get some of those travel dollars. He then thanked staff and stated that the BP on Highway 138 finally disposed of their old rusty pole. He then asked if we could utilize an afterhours or weekend/holiday emergency number for resident emergencies specifically water issues. He added that he is not speaking of calling in 911, he was contacted by a senior resident over the weekend who called 911 and they were very curt with her. He added that she contacted her daughter and son-in-law who live in North Carolina the situation did not get ugly, but it could have. Mr. Williams stated that he was able to contact someone who could take care of the issue. He added that he did inform the residents that 911 does not handle these calls, but we need to make sure that we have someone in place who does. Mr. Williams stated that we need to have the ability to get an electronic copy of the full water bill other than the balance.

Mr. Rapson stated that this option became available about six months ago with online bill pay, but you must register on line.

Mr. Williams stated that we need to let the community know that this is available.

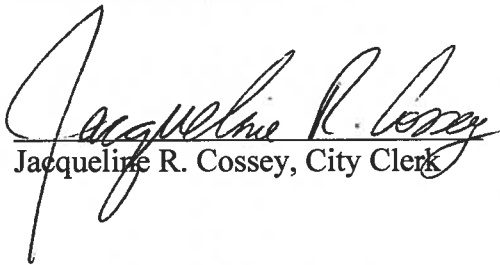
At this time Mayor Moore stated that the City Attorney indicated that he had two items for executive session regarding threatened litigation.

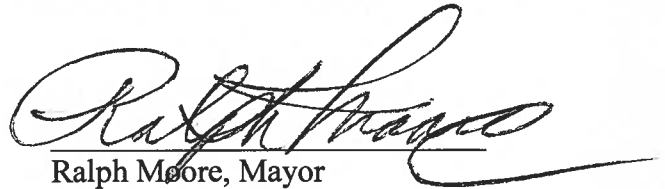
On motion of Councilmember Williams seconded by Councilmember Jones and carried, Council entered into executive session to discuss to items regarding threatened litigation.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, Council reconvened to regular session.

X. ADJOURNMENT:

On motion of Councilmember Williams seconded by Councilmember Jackson 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 19 day of June 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.

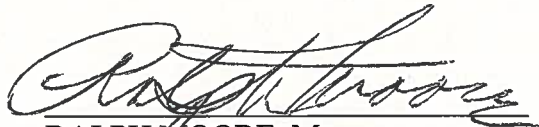
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 19 day of June, 20 12, which was closed for the purpose(s) of 2 items for threat litigation 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
19 day of June, 20 12.


Notary Public