

MINUTES  
REGULAR COUNCIL MEETING  
TUESDAY, AUGUST 21, 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 Councilman Williams

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

Public comments were made by the following:

Mary Geneva Height of 8817 Lake Road spoke regarding the City's curb appeal untimely rubbish removal on Highpoint Road.

George Heizlip of Oakley Cummons Subdivision expressed his gratitude to the police department for their assistance in their neighborhood. He added that additional members from his community will return to the next meeting with some concerns.

Yvonne Barber of 6385 Church Street spoke expressed her disappointment with the Police Department, Code Enforcement, Chief Jailer and the City Manager regarding ongoing criminal activity in her neighborhood. She concluded that the students and educators located at C. H. Gullatt are gifted and talented.

III. ACKNOWLEDGEMENTS/PRESENTATIONS:

Council to consider approval of a request from the American Payroll Association for a proclamation dedicating September 3-7 as National Payroll Week in Union City.

At this time Mrs. Cossey read aloud a proclamation proclaiming the first week of September as National Payroll Week in Union City followed by a photo with the Mayor and City Council.

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 Meeting Agenda for separate consideration.***

1. Approval of the minutes: Worksession Meeting, 07/09/2012  
Regular Council Meeting, 07/17/2012

2. Council to consider approval of a request to grant the Housing Authority a waiver of its Payment In Lieu of Taxes (PILOT) for 2011 and 2012.
3. Council to consider approving the Memorandum of Agreement between the United States Department of Homeland Security, U.S. Citizenship and Immigration Services and the City of Union City.
4. Council to consider approval of an ordinance to create the office of a prosecuting attorney.
5. Council to consider approval of a resolution appointing a prosecuting attorney.
6. Council to consider the reappointment of Annie Barlow to the Union City Housing Authority Board.

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

V. OLD BUSINESS:

Report regarding the status of the structure located at 6583 Clayborn Avenue. *(Status report requested to return 60 days from June 19, 2012)*

Mayor Moore stated that he needed a motion to bring the old business to the table.

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

City Attorney Davenport stated that this structure was identified as being substandard, as far as the code was concerned, and the property owner was given some time to rehab the facility and a report should be ready tonight to inform the Mayor and Council where we stand with that structure.

At this time Deputy Building Official Brian Epstein presented a report on behalf of David Mundt. Mr. Epstein presented a copy of the report to the City Clerk for Council's review and stated that he and Mr. Mundt visited and examined the property on August 14. He added that significant improvements have been made since the initial visit. He further added that a new roof was installed, new siding was in place and efforts were underway to repair the unsafe deck and porch. Mr. Epstein concluded that some work still needs to be completed, but significant improvements have been made to the structure.

Councilmember Williams asked what would be a reasonable amount of time for the remainder of the project to be complete.

Mr. Epstein stated that the remainder of the work has to do with painting, trimming and caulking, so he has no doubt that this could be done within 30 to 45 days.

Mayor Moore asked if the remaining work was more cosmetic as opposed to the structural integrity.

Mr. Epstein stated that they have to trim around the window where they put the new siding up to keep the water from infiltrating and caulking and seal that as well as weatherproofing the siding with a coat of paint.

At this time Mayor Moore allow the homeowner, Ms. Hazel Arnold, to speak. She stated that these minor things should not keep her house on the condemn list.

Mayor Moore stated that Mr. Epstein's report indicated that significant work has been done and should not be demolished.

Mr. Epstein concurred.

Mayor Moore asked what the pleasure of the Board was after hearing the report from Mr. Epstein.

***On motion of Councilmember Williams seconded by Councilmember Mealing and carried, the aforementioned property was removed from the demolition list. Vote was unanimous.***

Councilmember Jackson encouraged Ms. Arnold to continue to work on the house.

VI. REGULAR/NEW BUSINESS:

1. Council to consider whether to demolish or clean up and secure the property located at 6310 Vickers Road.

Mr. Epstein led this discussion and stated that on May 10, Mr. Mundt examined the property found that construction was started but never completed. He added that several of the windows were broken out and an itemized list of repairs including: patching broken stucco, replace all siding, complete the landscaping replace garage doors, complete the driveway, replace the back deck and hand rail, replace the chimney chase when rotten, replace drywall where mold is growing, complete the plumbing, HVAC, electrical and the floor coverings, finish painting and repair roof leaks. He stated that the estimated total of repairs is \$55,900 and given the appraised value on the tax record of \$79,000 this exceeds 50% of the appraised value and it is Mr. Mundt's recommendation to demolish the property.

Public hearing opened.

Mr. Tandy R. Bullock requested additional time to restore the property as he purchased the property yesterday.

Public hearing closed.

***Councilman Williams motioned to give the property owner more time seconded by Councilmember Mealing. The motion died for lack of support.***

Mayor Moore stated that we have to be more specific than that.

***On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the property owner was given 90 days to bring the property into compliance. Vote was unanimous.***

2. Council to consider whether to demolish or clean up and secure the property located at 4666 Heather Court.

Mr. Epstein led this discussion and stated that on July 5 he accompanied Mr. Mundt for the inspection of this home. He added that there were numerous code violations and a significant amount of garbage. He added that there were windows missing glass and screens, trash and garbage were piled to the ceiling in some places in the home, plumbing fixtures had been removed, several areas of rot around the windows and doors with termite damage, blocked and broken doors, trash piled up on the outside of the structure, swimming pool fence was down and not maintained and unable to keep unauthorized children out. He further added that debris and trash was inside of the pool. Mr. Epstein stated that it appeared that the structure was infested with vermin and grass and weeds were overgrown. He further stated that given the amount of damage, the property owner would have to completely gut everything in the home to repair it and bring it up to code. He added that he and Mr. Mundt do not know what the exact problems are because most of it was concealed from them due to the amount of rubbish that was inside. He further added that as it stands right now, Mr. Mundt estimated that it would cost more than 50% of the appraised value to bring this structure into compliance.

Public hearing opened.

Property owner, Ms. Houston, requested additional time to repair the property as she has a hoarding problem that she is trying to take care of and she has been battling depression for some time, but she has been making improvements.

Councilmember Jackson stated that she is concerned that the pool is not fenced and is unsafe for children.

Ms. Houston stated that the pool is empty and she can get that pool fixed by the weekend.

Mayor Moore stated that if it is a below underground swimming pool, she would have to get a certificate from Fulton County as Union City does not provide that.

Mayor Moore asked Mr. Epstein asked what his estimate was in order to bring the property up to code.

Mr. Epstein stated that given the outside, debris and amount of repairs; he would estimate between \$25,000 and \$35,000.

Mayor Moore asked Ms. Houston if she was willing to invest this amount of money into this property.

Ms. Houston stated that she would because she has already begun to do so.

Barbara Reynolds of 4656 Heather Court spoke in opposition of giving the property owner additional time to repair the property as this has been a problem since 1994 and she has been sited on numerous occasions due to the state of the property and the community has suffered long enough.

Marilyn McCain stated that she want to echo everything that Ms. Reynolds said. She added that there are a lot of small children in the neighborhood and she believes that it is unsafe for those kids. She then reiterated that she agrees with everything that Ms. Reynolds stated. She concluded that this has been an ongoing problem.

Ms. Houston stated that the fence was secure and she has been suffering from depression, but she has been trying to get things done. She then asked for 60 additional days to make the repairs.

Councilman Williams stated that he was made aware of this property in 2007 and not only was he appalled, but he was terrified that an individual lived in the home. He added that he walked onto the property to find dead kittens on the porch.

Ms. Houston stated that she has been suffering from depression.

Councilman Williams stated that he understands that she needs help and he would love to speak with her about that afterwards, but she is causing suffering to her neighbors and it has been going on for too long and they do not deserve it.

Ms. Houston pleaded for an additional 60 days because repairs are underway.

Councilmember Jackson asked Ms. Houston if she lived in the home.

Ms. Houston responded, "Yes".

Councilman Williams asked Ms. Houston if she had help or family here.

Ms. Houston stated that she does not have help nor does she have family.

Public hearing closed.

Councilmember Jackson stated that she is appalled that it has been that way for 18 years and nothing has been done about it and she does not think that 60 days is going to make a lot of difference. She added that the neighborhood is suffering and she is scared for the children.

***On motion of Councilmember Jackson seconded by Councilmember Williams and carried, the aforementioned property has 30 days to comply bring the property up to code or the City will demolish. Vote was unanimous.***

3. Council to consider whether to demolish or clean up and secure the property located at 5060 Westbrook Road.

Mr. Epstein reported that on May 1, Mr. Mundt conducted an inspection on the property and noted the following violations: termite wood rot, seal plate in several areas, several areas of the roof that were rotten and falling, wood rot on rear porch, roof support repair, unsecure structure, needs electrical rewiring, venting system for hot water heater in need of repair, gas and water lines have been removed, rodents in the property and unfit for human habitation. He added that per the tax record, Fulton County valued the home at \$16,900 and the estimated cost to bring the structure into compliance is \$11,000 which exceeds 50% of the appraised value and Mr. Mundt's recommendation is to demolish.

Public hearing opened.

Ronald Barner informed the Council that he purchased the tax deed on the property at the City auction approximately 1 ½ year ago and it was redeemed out of his name, but he still received a notice. He added that he signed a quit claim deed and he needs to know how to get his name off of it because it was redeemed, but he still received notice.

City Attorney Davenport stated that the notice went out to everybody with a potential interest because of general receive notice. He added that it is good that he received notice but he has not further interest in the property.

Mr. Barner stated that he does not have any further interest but he does not want to get a bill.

Mayor Moore informed Mr. Barner that he has no issue here.

Mr. Barner stated that he just wanted it to be on the record.

Public hearing closed.

***On motion of Councilmember Williams seconded by Councilmember Mealing and carried, the aforementioned property owner was provided 30-days to bring the property into compliance or the City will demolish. Vote was unanimous.***

4. Council to consider whether to demolish or clean up and secure the property located at 6682 Gresham Street.

Mr. Epstein reported that Mr. Mundt conducted a report on this property on May 1. He stated that the site conditions were not sanitary, weeds and grass were overgrown, protective treatment on the exterior were not maintained, foundation walls had failure in some areas, window and door frames had wood rot, interior floors were falling and sagging seven to eight inches, 60 amp electrical service on the premises was not in safe condition, rodents infested the building and the building was not secured, all interior structure mamboning were failing and not fit for human habitation. Mr. Epstein added that it is Mr. Mundt's opinion that it would require \$30,000 to \$40,000 to remodel this residence and bring it into code.

Mayor Moore asked Mr. Epstein for the assessed value of the property.

Mr. Epstein stated that the assessed value was not indicated in Mr. Mundt's report.

Mayor Moore asked if it exceeds 50% of the assessed value.

Mr. Epstein stated that it is not indicated in his report.

Mr. Rapson stated that it would be greater than 50% or it would not be on the list to be demolished.

Public hearing opened.

No one came forward.

Public hearing closed.

***On motion of Councilmember Jackson seconded by Councilmember Jones and carried, the property owner was given 30-days to bring the property into compliance or the City will demolish. Vote was unanimous.***

5. Council to consider approval of an agreement with Woodwind Construction, in the amount of \$257,075.00, to provide Pedestrian Bridge and sidewalk on Highpoint Road over Deep Creek for PS-12-02.

Mr. Rapson led this discussion and stated that this is a bid that we put out and seven companies responded. He added that this is a Georgia Department of Transportation (GDOT) Transportation Enhancement Project and the award was based on the lowest most responsible bidder with regards to those seven bids.

Councilman Jones asked once we approve and go to notice to proceed, how long before completion of the project.

Public Services Director Sylvester Alexander stated that this is a six month project.

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

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

VIII. OTHER BUSINESS:

City Manager Reports:

Mr. Rapson stated that he wanted to go on record stating that some of the demo's become very emotional, but our effort is not to demolish these houses, but to bring them into compliance.

At this time Mayor Moore stated that we have a final Millage Rate Hearing.

Mr. Rapson stated that we have the final Millage Rate Hearing and the Final Budget Presentation for adoption. He added that as far as the Millage Rate is concerned, it is the rollback Millage Rate that we discussed over the last two sessions. He further added that we held our final Millage Rate Hearing this morning, which is mandated by state law, so at this point we are ready to adopt the millage rate as well as a formal adoption of the budget as presented.

Councilman Jones stated for the record, for the purposes of any residents present, are there any changes to the service delivery in the City.

Mr. Rapson responded, "Absolutely None".

Mayor Moore stated that we all know our challenge for this particular budget, like across the country, and we are not yet, and will never be at a point where we will have to declare bankruptcy for our community, but we have to be very vigilant in how we measure our revenue coming in and our expenditures going out. He then stated that if there were no objection, he wanted to task Mr. Rapson with the opportunity to make sure that personnel hires and any other large items expenditure get his direct attention and scrutiny.

At this time Mayor Moore stated that he would like to do some housekeeping from this morning as we took a vote that should have been outside of Executive Session and we did not do that and we need to make sure that we are in compliance with the Open Records Act. He added that a vote was taken on the salary adjustment for a 3% one-time increase for Mrs. Cossey and we need a vote in public for that.

***On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Council approved a one-time 3% increase for Mrs. Cossey three-to-one (3-to-1). Councilman Williams was in opposition.***

Mr. Rapson asked the Council to take two separate votes on the Millage Rate and the Budget.

***On motion of Councilmember Jones seconded by Councilmember Jackson and carried, Council unanimously the millage rate.***

***On motion of Councilmember Williams seconded by Councilmember Mealing and carried, Council unanimously approved the proposed budget.***

Mayor Moore congratulated the staff on bring the Council a balance budget.

At this time City Attorney Davenport requested an Executive Session to review the July 9<sup>th</sup>, 2012 Executive Session Minutes.

Mayor Moore stated that he would take comments before going into Executive Session.

Councilmember Williams stated that we have two members of the staff who will be leaving, Mr. Jonathan Magwood and Ms. Melva Steps. He added that they have been more than exceptional staff



personnel and he does not look at any of the staff as staff personnel as they are family to him, but he is going to miss these two and he appreciates everything that they have done and wish them nothing but the best in their future endeavors.

Councilmember Mealing stated that she would like to echo Councilman Williams and she would also like to thank Councilman Williams and her colleagues for putting on a great back to school bash for the kids. She then gave a special thanks to Waste Industries, Walmart and Advanced Disposal for partnering with the City to provide those necessary school supplies for the kids. She added that the Movies By Moonlight was great and staff did a great job. She concluded that she has a small complaint with the ball fields on the Roosevelt highway and she would like to see that taken care of as soon as possible as this was discussed in April and we are now in August. She then reminded everyone of the upcoming concert featuring Keith Sweat.

Councilmember Jones stated that he would like to echo his colleagues and gave a special thank you to Matt Russom of The Show Business for his outstanding work with the movies and the concerts. He then thanked staff for putting together a good budget for next year.

Mr. Rapson thanked all department heads for their support during the budget process.

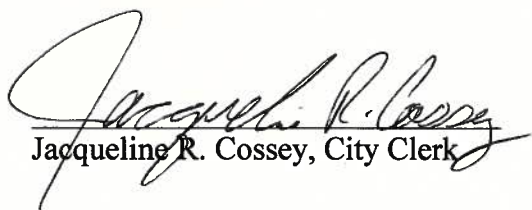
***On motion of Councilmember Williams seconded by Councilmember Mealing and carried, Council entered into Executive session to review the July 9<sup>th</sup>, 2012 Executive Session Minutes. Vote was unanimous.***

***On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Council reconvened to Regular Session. Vote was unanimous.***

***On motion of Councilmember Mealing seconded by Councilmember Jackson and carried, Council approved the July 9, 2012 Executive Session Minutes. Vote was unanimous.***

X. ADJOURNMENT:

***On motion of Councilmember Williams seconded by Councilmember Jones 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 21 day of August 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.

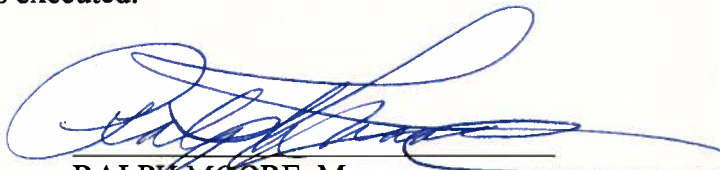
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 21 day of August, 2012, which was closed for the purpose(s) of Reviewing July 9<sup>th</sup> Executive Session Minutes as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

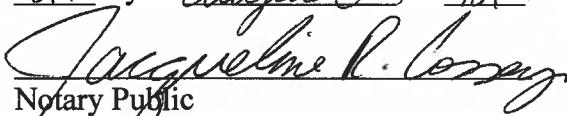
4.

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  
21 day of August, 2012.

  
Notary Public

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