

MINUTES
WORKSESSION MEETING
MONDAY, AUGUST 13, 2012
6:30 P.M.

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

Absent: City Clerk Jacqueline R. Cossey

I. ACKNOWLEDGEMENTS/PRESENTATIONS: None

II. REVIEW OF MINUTES: Worksession Meeting, 07/09/2012
 Regular Council Meeting, 07/17/2012

The minutes will be added to the consent agenda with the noted correction.

III. 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 asked if Ms. Arnold will attend the Council meeting on August 21st.

Steve Rapson stated that he is uncertain of her attendance at this point. He stated that we will advertise it and let her know.

Mayor Moore instructed Mr. Rapson to give her a friendly phone call to let her know.

Mayor Moore stated a motion will be made to bring this to the table during the regular Council meeting.

IV. NEW BUSINESS: (*Determine Items for 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. 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.

Mayor Moore recommended that this item not be placed on the consent agenda so that it may be read aloud during the regular Council meeting as a courtesy of those that support this proclamation. He concluded that this will be an agenda item.

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.

Mayor Moore stated that this has been a tradition for the Housing Authority and if there are no questions it will be placed on the consent agenda.

There were no questions and all agreed that this item would be placed on the consent agenda.

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

Mr. Rapson stated that pictures were sent for Council to review and that the only property he did not have pictures for is the one still pending and being evaluated today. He continued that these items will fall over to the next meeting and SafeBuilt will present as normal.

Mayor Moore stated that all four of the next property items 4, 5, and 6 will be placed on the agenda.

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

This item was placed on the agenda.

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

This item was placed on the agenda.

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

This item was placed on the agenda.

7. 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.

Mr. Rapson stated that this is a MOA that has been revised which is why they have asked to have it readopted. He stated that it is basically what we have in place for the SAVE program, which is the program that the legislator initiated for immigration purposes.

There were no questions and this item was placed on the consent agenda.

8. Council to consider application submitted by Amar Rampersaud to become an additional partner or additional stockholder for the on-premise consumption of malt, vinous and spirituous liquors with Sunday Sales for Sergio's Pizza Bar located at 4720 Jonesboro Road, Suite 14.

Community Development Director, Ann Lippmann, reported that this is outside a normal request in regards to an alcoholic beverage license. She stated that in this case the owners of Sergio's have asked for a new partner to be included. She stated that in the City Attorney's review there were some issues with a DUI on this individual's background check which is why the City Attorney recommended that it come before Council for your decision.

Mayor Moore stated that State law says that it takes ten years for a DUI to clear.

City Attorney Dennis Davenport stated that this is part of the local requirement as well, and that there is a caveat at the end of the section that says, expect for traffic violations. He continued that some people have come before Council stating that a DUI is a traffic violation. He stated that we have taken the position that it is not.

Mayor Moore stated that he would like to stay consistent with the ordinance on this issue.

City Attorney Davenport asked if Council would like for them to just communicate that it is denied instead of bring it back before Council.

The Council confirmed yes.

Mayor Moore asked if the applicant wanted to appeal, could they come back to Council.

Attorney Davenport stated, "They can, yes." He confirmed that no official action needed to be taken and that this was brought before Council to get guidance.

Ms. Lippmann stated that this is why it was not a public hearing; because they just wanted direction. She stated that this has happened in the past and this was the course of action that was taken at that time.

Mayor Moore stated that this item would be removed from the agenda.

9. Council to consider approval of an ordinance to create the office of a prosecuting attorney.

Attorney Davenport stated that in the last session of the General Assembly there was a law passed requiring all cities that have municipal courts that have a prosecuting attorney make sure that they send the name to the Prosecuting Attorney Counsels for the State of Georgia so they would know who has a prosecuting attorney and the identity of that prosecuting attorney. He stated that item nine on the agenda is the ordinance which sets up that office because it is not clearly setup in the charter. He continued that this ordinance will set it up because there is a prosecuting attorney that has been here for some time. He then stated that the resolution names the prosecuting attorney and the current prosecuting attorney is Tracy Moran. Attorney Davenport informed Council that there will be a change to the resolution because occasionally

Judge Allison will ask the City Attorney's firm to take a case; therefore, sometimes Tracy Moran is not the prosecuting attorney so he will amend the resolution to say, on those occasions where a special prosecutor is requested by the judge of the city court, the city attorney will serve as the prosecuting attorney.

Council agreed that items nine (9) and ten (10) of the agenda would be placed on the consent agenda.

10. Council to consider approval of a resolution appointing a prosecuting attorney.

This item was placed on the consent agenda.

11. 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 stated that we put this project out for bid and there were seven companies that were interested in the bid. He continued to state that Woodwind Construction had the winning, lowest bid with \$257,075 which exceeds his authority level for a contract over \$250,000 so this is why it is on the agenda.

Mayor Moore asked if there were any objections.

Councilman Brian Jones stated that he had a question. He inquired if they had worked with the city before.

Mr. Rapson stated that he did not think so, but we haven't done a lot of transportation enhancement projects so this will be one of our first experiences with construction. He continued by stating that this is one of the old projects that was stalled and has now come before us for construction. He added that they have been approved by Moreland Altobelli and GDOT.

Councilman Jones asked if on any of their previous projects if he noticed any change orders.

Mr. Rapson stated that he is not sure about the change orders since this went through Sylvester and Moreland Altobelli. He stated that they did check references and they did check out ok.

Councilwoman Shirley Jackson asked where the company is located.

Councilman Jones stated that he looked them up and it says Norcross.

Councilwoman Angelette Mealing asked how many minority businesses bid for this job.

Mr. Rapson stated that he had no idea and that he does not know if there was any minority participation because GDOT was involved in the actual bid process.

Councilman Vince Williams asked why the Public Works Director was not present for the meeting tonight.

Mr. Rapson stated that he was on vacation this week.

Councilman Jones stated that this item should be placed on the regular agenda.

Mayor Moore asked if there were any objections.

There were no objections.

This item was placed on the regular agenda.

12. Council to consider approval of several Ornstein-Schuler properties for donation to Union City.

Mr. Rapson reported that Ornstein-Schuler wanted to donate some property and Matt Ornstein is here to talk about it.

Mayor Moore stated that he had several questions and concerns.

Mr. Rapson stated that his only question was regarding the property meeting environmental concerns. He stated that we would go through the process if Council instructed him to move forward and this would be the next step for staff.

Mr. Ornstein stated that he would answer any questions.

Mayor Moore stated that he had some questions and concerns. He asked if this property is along South Fulton Parkway.

Mr. Rapson stated that it is.

Mayor Moore asked Ms. Lippmann if she had the opportunity to look at it.

Ms. Lippmann stated that she has seen the list of properties, but she has not gone on site. She confirmed that the properties are along South Fulton Parkway.

Mayor Moore stated that considering this is conservation easement what is the restriction for conservation easements.

Ms. Lippmann stated that her knowledge is that restrictions for conservation easement are strict, with no development. She continued that the restriction on conservation easement leaves it in its natural state.

Mayor Moore asked how this reconciles with the proposed transportation plan and with any of the network that have been proposed by our previous study.

Ms. Lippmann stated that she would have to look at the exact properties and compare them to the proposed intersections. Ms. Lippmann stated that she could do this by next week.

Mayor Moore stated that if there are any further recommendations we would have to do a phase one.

Mr. Rapson stated that what he would recommend based on the Derrick Road site, is to put a conservation easement there, because he knows that we want to build a fire station. He stated that he is not sure if the applicant would want to do something different. He stated that if it is land we can put a nature trail.

Mayor Moore stated that any time we accept property there has to be an intrinsic need for the greater public good. He also stated that we have to ensure that any proposed development that has come through our comprehensive plan or transportation plan that it does not conflict with those plans. He stated that we would definitely have to have a phase one for the properties and that we would then decide if there is a need to take the properties off the tax roll.

Mr. Rapson stated that he had assumed the action of the Council would be to accept the offer and then make the conditions, and staff would do the environmental and unless there was something wrong come back and make the recommendations to Council.

Mayor Moore stated that he has outlined his concerns and if there are no conflicts then it would be up to Council to decide if they see there is a greater good for accepting these properties.

Attorney Davenport stated that he has spoken with Mr. Ornstein and this is not the typical donation of a property to a government. He stated that there is a layered donation. Attorney Davenport explained that the property would be in the name of a third party, nonprofit land trust and then the city would have the benefit of the use of the property considering the restrictions that are on the property which Ann specifically said are very restrictive. He stated that it could be used for recreational purposes and things of that nature.

Mayor Moore stated that even that would be restricted.

Attorney Davenport stated that was correct. He continued that the document that would be filed that grants the conservation easement would have to be followed to the letter and there will be oversight from the third party land trust that will also make sure that how the property is used, is consistent with the terms and condition of the conservation easement.

Mayor Moore stated that he wants to make sure that we are consistent in this process.

Mr. Rapson asked Mr. Ornstein if there is a timeline.

Mr. Ornstein stated, "Yes." He stated that he has the phase one environmental study done which would save Union City money and expense. He stated that he has environmental base line studies completed by the Atlanta Coast Conservancy. He stated that they have walked the property and his complete current dated report can be provided at no cost. He stated that he paid \$10,000 for this study.

Mayor Moore stated that this may be something that needs to be made consistent when excepting property; to have a check list so any future donations to the city will have the same information and that we are not sending the potential donor to get things for us to have for our review.

Ms. Lippmann asked if this will be for future donations.

Mayor Moore stated, "Yes, in the future." He continued that he hates bureaucracy, but that it should go before the planning commission to ensure that they say it is consistent with what we want to do. Mayor Moore stated that the more we strengthen our relationships with our plans the more people will know in advance what we are trying to do in Union City.

Ms. Lippmann stated that they do have a meeting in September.

Mayor Moore stated that this would be for future reference and not this time. He stated that for this one we will rely on staff review. He stated that future road closings and those things take planning.

Mr. Rapson stated that he would like to sit down with the trust and specifically ask questions as to what is allowed and what is not allowed so when he comes back before Mayor and Council he will have an answer. He stated that he wants to know what we can and cannot do.

Mayor Moore instructed Mr. Rapson and Mr. Ornstein to meet and Mr. Rapson will bring it back before the Council at the September Council meeting.

13. Council to consider the reappointment of Annie Barlow to the Union City Housing Authority Board.

Mayor Moore stated that this item will be on the consent agenda if she has agreed to serve.

V. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

VI. OTHER BUSINESS:

City Manager Reports:

- Internship Pizza Luncheon - Last Day – Noon @ Green Manor – August 10th
- Annual "Back to School drive" Book Bags – 6:30pm prior to Movies by Moonlight "The Help" - August 11th

- Sergio's Pizza Bar Grand Opening – August 17th 2:00pm

Mr. Rapson stated that the only confirmation for attendance that he has was from Councilman Vince Williams and he asked if anyone else would be present.

Mayor Moore stated that he has to be at his children's school.

Councilwoman Jackson, Mealing and Councilman Jones stated they would try to attend.

- Banneker High School – Council Walk-thru - August 21st

Mr. Rapson stated that the time is at 5:30 pm.

- Football Jamboree & Second Annual 5k Family Fun Run/Walk – August 25th

Mr. Rapson stated that he would include the time when he sends the updates.

VI. ITEMS FOR DISCUSSION:

Mayor Moore stated that there is threatened litigation and a personnel item for executive session.

On motion by Councilmember Jones, seconded by Councilmember Mealing and carried, Council entered into executive session to discuss one item regarding threatened litigation and one personnel matter.

On motion of Councilmember Jones and seconded by Councilmember Mealing and carried, council reconvened to regular session.

VIII. ADJOURNMENT:

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