

MINUTES
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 18, 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 and City Clerk Jacqueline R. Cossey

Absent: Assistant City Clerk Tameca White

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by City Manager Steve Rapson

At this time Mayor Moore asked for a moment of silence for the U.S. Ambassador who died in the line of duty serving our country.

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

No comments were made.

III. ACKNOWLEDGEMENTS/PRESENTATIONS:

Union City Intern Presentation

Human Resources Manager Tracie McCord thanked the Mayor and Council for agreeing to have summer interns. She then presented them with a video created by the interns.

Presentation of Awards to Honor Union City Fire Department Personnel

At this time Mayor Ralph Moore, Fire Chief Donald Leasher, Assistant Fire Chief Joe Maddox and City Manager Steve Rapson presented the following Firefighters with Life Saving Awards: Firefighter/Paramedic Michael Fitzpatrick, Firefighter/Paramedic David Ligon, Sergeant Jeff Forsyth and Fire Apparatur Operator/EMT Kristina Rossey.

On July 17, 2012 the aforementioned Firefighters administered advanced life support measures to an adult male, unresponsive and without a pulse. After following up on the patient, it was revealed that approximately two weeks later; the patient walked out of the hospital.

The presentation was followed by a photo with Mayor and Council.

Councilmember Jackson stated that she never had to call on the fire department before, but when her husband was ill she had to call them quite a bit and they were always great and professional. She concluded that she is forever indebted to them.

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:
FY2013 Budget Workshop, 07/31/2012
1st Budget Workshop & Millage Rate Hearing, 08/07/2012
Worksession Meeting, 08/13/2012
2nd Budget Workshop & Millage Rate Hearing, 08/13/2012
3rd Millage Rate Hearing, 08/21/2012
Regular Council Meeting, Budget Adoption & Millage Rate Adoption, 08/21/2012
2. Council to consider re-appointment of Mr. Robert Croom to the South Fulton Municipal Regional Jail Authority.
3. Council to consider re-appointment of Tarika Peeks to the Zoning Board of Appeals.
4. Council to consider re-appointment of Robert Potts to the Zoning Board of Appeals.
5. Council to consider approval of an ordinance regarding electric cooking devices.
6. Council to consider changes to the Code of Ordinance, Chapter 12, Article III, Section 12-38 to prohibit smoking or use of any other tobacco product in a Union City Park.

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

V. OLD BUSINESS: None.

VI. REGULAR/NEW BUSINESS:

1. Council to consider approval of the Dedication of Right-of-way for the Gateway and Pedestrian Enhancements at Highpoint Road.

Steve Rapson led this discussion and stated that this is a dedication of right-of-way for the Gateway and Pedestrian Enhancement Highpoint Road Bridge with Green Oil. He added that all of the documents are before the Mayor and Council for execution.

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

2. Council to consider approval of the Wastewater Agreement.

Mr. Rapson also led this discussion and stated that this is the sewer agreement that we have been working on for several years. He added that Fulton County's staff has concurred with us with regards to providing the sewer capacity and increasing it to 1.5 million gallons. He further added that the check that we write will be over 4 million out of the sewer bond. Mr. Rapson stated that other than capacity, the only significant change was the fact that they agreed to allow us to assume ownership of all lines less than 12 inches and at the same time, they are going to give us those customers. He added that staff recommends approval of this particular agreement. He further added that once the Council approves it, we will send it to the County and it will go through their process.

Councilmember Jones asked if the document has to go back before the Fulton County Board of Commissioner for approval.

Mr. Rapson stated, "Yes". He added that they wanted us to approve it first at the request of the county attorney.

Councilmember Mealing asked if the County will notify the customers that will be coming under Union City.

Mr. Rapson stated that once Fulton County approves it, we will go over the process with Dwayne and get those customers transferred over. He added that it will not be seamless because this is our first time doing this, but notification will go out.

Mayor Moore stated that this has been a labor of love. He then stated that he would like to take his hat off to Mr. Rapson, City Attorney Davenport and Judge Fletcher.

On motion of Councilmember Williams seconded by Councilmember Mealing 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 X Section 10-6.A.12 submitted by MBA Waste Services LLC. ***Planning Commission recommendation – denial***

City Planner Ann Lippmann stated that this test amendment was submitted and it relates to allowance of unpaved parking in industrial areas. She added that the applicant desired to strike condition "C", that does not allow any parking in the front yard of a building or to be visible from a roadway. She concluded that staff recommends denial of this request and when it was forwarded to the Planning Commission they voted unanimously to recommend denial as well.

Public hearing opened.

Mr. Ken Mitchell of MBA Waste spoke in favor of the request. He then presented the Mayor and Council with a diagram of the area. He stressed that paving this area would pose a financial burden on their business. He added that he wants to move their headquarters to Union City, but are unable to do so at this time. He concluded that the bank wants them to perform longer before loaning any additional money.

Councilmember Jones asked if the outlined area was what he was proposing to be paved.

Mr. Mitchell stated that it is in the original plans and it would be in front of the road.

Mr. Rapson utilized the diagram to clarify the area that Mr. Mitchell is required to pave. He then stated that an exception was made last year, but only if the area was behind the property. He added that we are not requiring anything from the building back to be paved, we are only requiring from the front access to the road and that was at Council's direction.

Councilmember Williams asked Mr. Mitchell what was his objection to following the ordinance.

Mr. Mitchell stated that he is asking to leave the area from being paved at this time until they can move their corporate office to Union City and locate it in that area then that should meet the requirement of the present text.

Councilmember Williams stated that Mr. Mitchell has no idea when that move will occur and it may not happen.

Mr. Mitchell stated that it has to happen, but it is just not efficient. He added that they are required to have two years of financials to do that and they are already on their second year.

Mayor Moore stated that he has dealt with a lot of zoning issues, both professionally and politically, and zoning is actually the mirror image of the community's standards. He added that when we begin to diminish those standards as to how businesses are to suppose to develop and how they are suppose to function, it tends to send a message to the greater community that we have somewhat of a limited view of our community. He further added that the men and women who are previously served here have a view of how they wish the development panorama of this community should be and when we have to take financial hardships into consideration; that muddies the water because in 2012 everybody has a financial hardship. Mayor Moore stated that we understand that he believes, by his political view point, that Union City probably has one of the more conducive standards for business development in the metro area. He added that while we understand that the business of business should not be over regulated we also understand that it has to be a level of community standards to uphold and that is what we are trying to do. He concluded that we are not trying to diminish Mr. Mitchell as a businessman because he wants him to succeed and be the best recycling business in the metro area, but Mr. Mitchell also has to understand that we want to be the best community for businesses.

Mr. Mitchell stated that the property has been paved with broken concrete product, but it just not poured concrete.

Mayor Moore stated that when we hire people to look at the standards for our ordinance, they are not there to hurt you, but to say let us help you. He added that if he has heard anything from anyone on this Board contrary, then he is sorry and it should not have been said in terms of we are as a Body for community standards and where the community is for community standards. He concluded that he hopes that he can look at some alternatives that would help the Council not have to do whatever they have to in order to get him to adhere to the code.

Public hearing closed.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, Council voted unanimously to accept the Planning Commission's recommendation for denial of the aforementioned request.

VIII. OTHER BUSINESS:

City Manager Reports:

- Ornstein-Schuler Land Donation – Status Update

Mr. Rapson stated that Mr. Ornstein is present tonight if the Council has any questions with regards to the donation. He added that he spoke with City Attorney Davenport and Mr. Ornstein today and worked up what they believe the appropriate motion should be should the Council accept the land donation for this particular land.

At this time Mayor Moore asked if there were any questions for Mr. Rapson or Mr. Ornstein regarding the land donation.

Councilmember Jones stated that he is assuming that through all of their conversations that all of the questions that the Board previously brought up were checked out.

Mr. Rapson explained that he and City Attorney Davenport looked at the baseline report which is basically a comprehensive analysis of all of the different land. He added that of the five tracts that they are interested in donating two of those tracts have residential dwellings and a couple of storage sheds and a fresh water pond. He further added that there are different requirements that we can do with regards to the tracts of land regarding the conservation easement itself which primarily depends upon the acreage size, it's roughly one or two acres on each different tract that we can put in something like a small parking area with a keas, a barbeque pit with picnic tables, a trail system or something like that. Mr. Rapson stated that no additional structures can be put on the sites because it is restricted in nature, but we can take the dwellings that currently have a signature footprint for a residence and knock that down and erect some kind of environmental type of structure or a nature center which we would put in our long range plan. He added that the trust that these would be dedicated to has a lot of experience with regards to going after federal dollars like Sonja does for the trail grants, so we would immediately try to do some of those that we could for areas that would be facilitated with regards to off road parking. He further added that they also reviewed the phase one environmental and there are some items that we need to make sure that it was abandoned correctly. Mr. Rapson stated that we have a couple

septic tanks and water tanks that would be associated with the residents as well a propane tank and some appliances. He added that Mr. Ornstein has agreed to allow the City to do that on his behalf and we will get reimbursed up to a \$10,000 cap. He further added that he thinks they have addressed all of the issues including validating the appraisals as well as spot checked five or six of them to ensure that we have some assurances there and the motion that they crafted will provide the other assurances that we would need to provide to due diligence that we need as a city to accept this donation.

City Attorney Davenport stated that Mr. Ornstein has been very forthcoming in providing everything that they were looking for and he is committed. He added that as far as these donations are concerned Mr. Ornstein has some hurdles that he has to jump through on his end. He further added that the various LLC's that own the individual parcels will still have to give their final word and assuming that everything goes well with that, it will be a done deal, so there are other documentation that he is going to provide us in addition to what he has provided us already such as precertification letter to the state and any other communication adverse to these easements if in fact they occur, but it looks like everything is going well from our end and he wanted to report that it was a lot of good give and take with Mr. Ornstein.

Mr. Rapson stated that we could have five different plots with five different nature tails. He added that this is 174 acres worth of beautifully landscaped wooded land.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, Union City unanimously accepted the donation of the properties contingent upon the members in the LLC's that own properties electing to donate them to Union City and subject to Union City being provided with the recorded deed of conservation easement for each particular property along with the baseline report and appraisals for each property as well. Additionally precertification letters to the state will be provided for each property along with an adverse communication from the state relative to these properties to the extent any of these properties require remediation as stated earlier, Union City will undertake said remediation and will be reimbursed by Ornstein-Schuler Capital Partners, LLC up to an aggregate maximum of \$10,000 for all five properties combined.

Mayor Moore thanked Mr. Ornstein for the gracious donation.

At this time Mr. Ornstein thanked everybody for their participation and assistance with it. He added that as the manager of these LLC's he still has some work to do. He added that the members of the LLC's are still debating and considering different options for the future of these properties including such things as continuing to keep the properties for long term investment, keeping it for future development and possibly a joint venture with someone else on co-development. He further added that he is working hard to get the support from the members to have them vote and elect to place these properties in a conservation and donate them to Union City. He concluded that he appreciates the Council's consideration so he can go back to the members and tell them that if they do elect to put the properties in conservation and donate them to Union City; the properties have a great and qualified recipient for this land. He then added that he should know something within the next few weeks and we can move quickly from there. He then thanked the Council.

Mayor Moore addressed Ms. Lippmann and Mr. Rapson and stated that he hopes that out of this vetting that we have a process.

Mr. Rapson responded, "Yes we do".

Mr. Rapson stated that he wanted to add one other item for the Mayor and Council's calendar. He added that Banneker High School has rescheduled their tour for October 16 at 5:30 p.m. He concluded that their previous walk-through was canceled.

At this time Mayor Moore stated that we have items for Executive Session, but he would take comments from the Council prior to going into Executive Session.

Councilmember Williams spoke with regards to having pride in the City. He then provided Ms. Cossey with photos taken throughout the City and asked that they be passed to his colleagues. Councilmember Williams resumed stating that pride in the City is part of its quality of life and when people feel good about their city they feel good about themselves. He further added that they are likely to recommend their city to others and others will sense the enthusiasm and want to be a part of the city. Councilmember Williams stated that cities like Miami and Portland have it, but it is not easy to create when pride is missing. He added that leadership must be able to define the mission, set goals and become the best. He further added that if we want our city to attract people and business, our City must be clean. At this time Councilmember Williams addressed Public Services Director Sylvester Alexander and stated he is very disappointed in him and Ms. Karen Crumby with what he sees in the City. He added that we should never have a citizen to come before this Council to talk about the aesthetics of our City, but not only that; when he rides around as a citizen and as a Councilmember, and he sees trash and receive calls and complaints from Raymond Terrace to Barrington, it makes no sense. He continued stating that we have staff to take care of that and if Mr. Alexander cannot lead who will lead us. Councilmember Williams stated that he is disappointed and he has tried not to say anything, but when we get citizens like Ms. Height who was here last month, it makes no sense for City properties, especially City Hall, to have the grass as high as it is when the residents at the back of City Hall lawns are manicured and maintained and ours look like trash and crap it is disheartening. Councilmember Williams stated that he never tries to take it upon himself to try and correct someone in public, but this is time to take a stand and if this is not what Mr. Alexander wants to do, maybe he should talk about it with Mr. Rapson.

Mr. Williams stated that he had a fantastic time at the Labor Day concert with Keith Sweat and Da Famous Boyzz and staff always finds a way to outdo themselves because Union City is all about teamwork and we have got to continue that and take pride in what we are doing. He then asked everyone to keep the following people in our prayers: City Clerk Ms. Cossey who lost her brother, Assistant City Clerk Tameca White who lost her father and Ricky Smith from Public Works who lost his brother.

Councilmember Mealing stated that staff did a great job with the concert. She added that we are back in football season at the park and not to beat a dead horse, but Councilman Williams is right because there are some areas that need to be looked at and she has even call Karen and Sylvester about it. She further added that she does not know what the problem is in term of staffing or

people being out, but we need to take a little bit more pride in our work. Councilmember Mealing stated that some of the guys are working and doing a fantastic job and maybe we should move those doing an outstanding job around a little bit. She added that maybe Mr. Sampson and Mr. Lewis can come to City Hall and help cut the grass.

Councilmember Mealing then stated that the Union City coronation will be this Thursday at Banneker High School and the Homecoming is this weekend, so there will be tailgating at their park to show the Union City pride. She then invited everyone to come out and watch the football game.

Councilmember Mealing thanked the Police Department for their presence this weekend and mingling at the park and enjoying the game. She added she wants to see the Police Department as well as other departments come out and be a part of the community and not just work here. She concluded that she received a lot of positive feedback about their presence at the park and how they were interacting with the parents and the children and it was great to see.

Councilmember Jackson stated that she is in agreement with Councilmember Williams and there are places in the City that need cleaning. She added that the storm drainage needs to be cleaned, the grass is not cut often, none of the curbs are clean and she thinks that we should be more organized. She further added that she wants to thank staff for everything that they do because she knows that they work hard. Councilmember Jackson stated that the City Hall area needs to be cleaned every week. She added that so many people walk in Mayors' Park and this area should be especially cleaned every week.

Councilmember Jones thanked staff for everything that they do. He added that he added that he does not know how we can outdo ourselves and people are still taking about the concert and the signs are still on the Marta buses. He further added that he does not know how we could outdo ourselves other than bringing someone like Justin Beiber down here.

Councilmember Jones thanked the fire department and reiterated that he supports the device to maintain the heat on the stove a certain temperature to reduce kitchen fires in the City. He concluded that when you live in a condominium or an apartment sometimes your greatest fear is a break-in or a fire because if you are not home your neighbor can control the outcome of your dwelling. He then recognized the intern who arrive late and thanked all of the interns for helping out this summer

Mayor Moore stated that there comes a time when in which individual dissatisfaction with staff or elected officials need not be presented to people who really have limited ability to fight back and the use of racial pejoratives with people who he knows were raised in such a manner that it is a distasteful thing for them to even hear less more repeat says volumes for the character of those individuals and when those individuals are closer to those who are closer to people here on this Board we need to put that in check. He added that there is no place for that here especially with the staff that we have. He concluded that he is hoping in the future that we tell the people who associate with us that there is no place in Union City for that type of behavior or communication.

At this time Mayor Moore stated that he would entertain a motion to enter into Executive Session.

City Attorney Davenport stated that the record should reflect that we are going into Executive Session to review the executive minutes of August 13, 2012, August 21, 2012 and one item of threatened litigation.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, Council entered into Executive session to review the Executive Session Minutes from August 13, 2012, August 21, 2012 and one item of threatened litigation. Vote was unanimous.

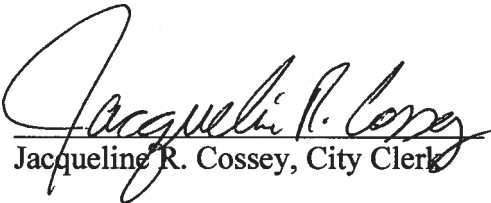
On motion of Councilmember Jackson seconded by Councilmember Mealing and carried, Council reconvened to Regular Session. Vote was unanimous.

On motion of Councilmember Williams seconded by Councilmember Mealing and carried, Council approved the August 13, 2012 Executive Session Minutes pending the correction. Vote was unanimous.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, Council approved the August 21, 2012 Executive Session Minutes as written. 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 18 day of September, 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.

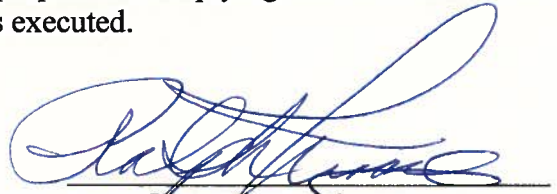
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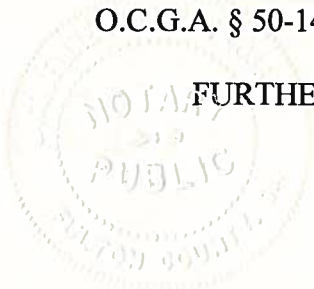
The subject matter of the closed meeting or closed portion of the meeting held on the 18 day of September, 2012, which was closed for the purpose(s) of ~~In re: certain litigation & Review execute the minutes of 8/13 & 9/11/12~~ as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

4.

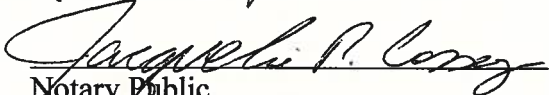
This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4 (b) that such an affidavit is executed.

FURTHER AFFIANT SAITH NOT.


RALPH MOORE, Mayor



Sworn to and subscribed before me this 18 day of September, 2012.


Notary Public