

MINUTES
WORKSESSION MEETING
MONDAY, SEPTEMBER 10, 2012
6:30 PM

Present: Mayor Ralph Moore, Councilmembers Brian Jones, Angelette Mealing and Vince Williams, City Attorney Dennis Davenport, City Manager Steve Rapson and City Clerk Jacqueline R. Cossey

Absent: Councilmember Shirley Jackson and Assistant City Clerk Tameca White

I. ACKNOWLEDGEMENTS/PRESENTATIONS:

Union City Intern Presentation

II. REVIEW OF 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

Councilman Williams stated that page 8 of the minutes of August 21, 2012 ,7:00 p.m. meeting; reflect that the vote was unanimous.

Councilmember Mealing asked if it was regarding Mrs. Cossey's increase.

Councilman Williams stated that it was when the vote was taken again in the evening. He added that his vote was still opposed.

Mrs. Cossey stated that Mr. Williams did not say anything when the vote was taken.

Councilman Williams stated that he said something and did not change from the morning to the evening.

Councilmember Mealing stated that she did not recall that.

Ms. Cossey stated that she did not hear it and the recording reflects that he did not say anything.

Councilman Williams stated that he wanted to make sure that it is clear for the record.

Ms. Cossey asked Mr. Williams if he would like to listen to the recording.

Councilman Williams stated that he does not object to it; he knows he didn't vote yes.

Councilmember Mealing asked him if he opposed it.

Councilman Williams responded, "Yeah".

Councilmember Mealing asked if it was during the morning meeting.

Councilman Williams stated that this was the evening meeting. He added that it could have gotten overshadowed because we had other things going on.

Mayor Moore asked that the change be reflected in the minutes.

The minutes were added to the consent agenda to include the change per Councilman Williams' request.

III. OLD BUSINESS: None.

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 re-appointment of Mr. Robert Croom to the South Fulton Municipal Regional Jail Authority.

Mayor Moore asked if Mr. Croom agreed to serve.

Mr. Rapson stated that he has.

This item was added to the consent agenda.

Councilmember Mealing stated that although this will be added to the consent agenda, in the future, she would like to advertise these positions because she has been contacted by several people who would like to serve and they are not aware when we have re-appointments.

Mr. Rapson stated that he is not sure how the re-appointments happen, but they show up.

Mayor Moore stated that there is always the opportunity to bring one from the floor. He added that we do not have to put this on the consent agenda. He further added that Robert Rules allows us to bring a motion to have someone else serve to the floor and then it can be voted up or down.

Mr. Rapson stated that we could advertise these type of positions, but historically; we have not done that before.

Councilmember Mealing stated that she thinks that we should because the landscape of Union City is changing and there are people moving in and really want to have an opportunity to serve.

Councilman Williams stated that these are re-appointments, so he would suggest that if she has someone in mind...

Councilmember Mealing interjected and stated that she is not recommending anybody, but over the past few weekends several people have asked her about serving and she referred them to our website because she thought that we were advertising the vacancies there.

Mr. Rapson stated that to his knowledge, he did not know if there were any advertising for any of these positions. He added that the only time that we get involved is if there is a vacant position and not a re-appointment.

Councilman Jones asked if there was a term attached to it.

City Attorney Davenport stated that there is a 4-year term.

Mr. Rapson stated that staff is unclear as to what to do. He then asked if the Board wanted staff to advertise it somehow.

Mayor Moore stated that unless there is displeasure with the person being considered for re-appointment; it would take a majority vote to have it placed into the newspaper to be advertised.

Mr. Rapson stated that we could do that. He added that we could also put a note in our newsletter and they can submit an application and maybe Jaki could keep those on file.

Mayor Moore stated that we can do that.

2. Council to consider re-appointment of Tarika Peeks to the Zoning Board of Appeals.

Mayor Moore asked if Ms. Peeks indicated that she wants to serve.

City Planner Ann Lippmann stated that Ms. Peeks agreed to serve.

This item was placed on the consent agenda.

3. Council to consider re-appointment of Robert Potts to the Zoning Board of Appeals.

Mayor Moore asked if Mr. Potts wished to serve again.

Ms. Lippmann stated that he too has indicated that he would serve again.

This item was placed on the consent agenda.

4. Council to consider approval of an ordinance regarding electric cooking devices.

At this time Chief Donald Leasher addressed the Council and stated that the Fire Marshall has brought it to his attention over the last few years that we have had over 90 cooking fires in the City. He added that he asked the Fire Marshall to do some research through the ICHIEFS Association and they support a certain device to go into the apartments. He further added that he set up a demonstration approximately a month ago at the Green Manor. Chief Leasher stated that Councilman Williams was there, Mr. Rapson and seventeen apartment managers and they were all in favor of this cooking device that he is speaking of. He stated that he asked the City Attorney to draft an ordinance for Council's approval. He continued stating that he has also looked at when the older apartments can be brought into compliance. He added that four years is reasonable to have them in compliance. He further added that other cities have adopted this ordinance. He then concluded that he is asking that from henceforth, that the new apartments be given four years to bring the electrical stoves into compliance and maybe we can cut down on some of these kitchen fires. Chief Leasher added that we have a strong Fire Marshall and Assistant Fire Chief that are great on fire prevention and this ordinance is going to help.

Mayor Moore stated that Chief Leasher gave a schedule for a transition. He then asked what process he plan to embark on in order to implement this transition.

Chief Leasher stated that if Council elects to adopt the ordinance, the fire department will make contact with the managers of each and every complex, especially the existing ones, and then when they do the review plans for the new one, it will be required.

Mayor Moore asked if the requirement would be to replace the old or would the requirement be that they go out and make a capital investment.

Chief Leasher stated that they would not have to replace the entire appliance, but only the four top burners on the stove with a timing device attached to the existing stove. He then added that the total cost to replace it is approximately \$180 to \$190 and that includes labor. He further added that it heats up to 625 degrees which is hot enough to cook, but not hot enough to ignite grease.

Mayor Moore asked if this was a voluntary process or a mandatory process.

Chief Leasher stated that it would be mandatory within four years at their discretion.

Mayor Moore stated that if we are going to direct policy that has a implementation component; we need to be very specific in its schedule and that schedule should reflect who will be affected and how they will be affected. He added that if he has a time schedule; it is only fair for those who are affected to understand what this means so they can budget yearly for that type of replacement and the schedule needs to be in the ordinance.

Mr. Rapson stated that page 3 of the ordinance reflects the date of December 31, 2016. He further added that from a fire prevention perspective, we are going to have to highlight the

ordinance and go out and give a copy of the ordinance to each of the apartment dwellers, so that they understand that they have four years. He further added that he would like to see this incorporated into the apartment sweep that we do so we can let them know each year that they are out of compliance so when July 2015 comes around they are not surprised that they have six months to convert all of these or they will be in a citation situation.

Councilmember Mealing asked if there will be any penalties if they do not comply.

Mr. Rapson stated that he asked City Attorney Davenport the same thing and we have general penalties for first offense, second offense and third offense. He added that when they get past December 31, 2016, we would not immediately cite them, but we would work with them; however, he would like to begin working with them in 2015 so that by December 2016; it is not like they did not know or have not been properly notified.

Chief Leasher stated that we have 3,539 apartment units in the City and all we are trying to do is a little fire prevention.

Councilman Williams stated that he thought the demonstration was great and it is certainly something that is needed. He added that he likes the idea that they use it in colleges. He concluded that he agrees with the Mayor and we need to be definitive in outlining what we are saying so people will be prepared for what's to come.

Chief Leasher stated that he thinks that the Fire Marshall will work with the apartment owners and managers and give more classes if deemed necessary. He concluded that the gentleman who performed the demonstration was a former Fire Chief of Union City, Mr. Stan Turnoski. He added that most cities who adopt this ordinance give two years to comply, but we are giving them four due to the economy. He added that this is something that our Fire Marshall has worked hard on and it will be beneficial to this City.

This item was added to the consent agenda.

5. 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.

Mayor Moore asked if there were any objections to this.

No objections were made.

This item was added to the consent agenda.

6. Council to consider approval of a proclamation to honor Union City Fire Department personnel for actions taken to save the life of another.

Chief Leasher led this discussion and stated that he has been the Fire Chief for approximately 2 ½ years and they have been working on this program. He added that four of his firefighters went

on a call and when they arrived, the gentleman was in full arrest. He further added that they worked on him and got a pulse back and from what he understands through the investigation, the man was transported to Fayette Community Hospital and he walked out of the hospital on his own free will three days later. Chief Leasher stated that they started an awards program backed by the Assistant Chief and they are going to start recognizing some of the firefighters that go beyond their call of duty.

Mayor Moore suggested that this item be moved to acknowledgements and presentations.

V. 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 led this discussion and stated that this was a request to modify the section of the parking ordinance requirements that we came up with a few years ago to allow for unpaved parking for storage of vehicles for industrial areas. She added that the request was to allow unpaved parking in the front yard of an industrial area and staff and the Planning Commission recommended denial of this request.

Councilmember Mealing asked if we were treating this request different from what we did with Majestic.

Ms. Lippmann stated that she did not think so. She added that the point of allowing the unpaved parking was that we understood their dilemma, but we put in three conditions; that it be to the side or the rear, that it be marked off and screened. She further added that all three of those conditions were put in place so that the naked eye could never see it and it would be hard to find the two that do exist on Majestic's property. Ms. Lippmann stated that as the staff member who wrote this report, she feels that allowing unpaved parking in the front yard is something that anybody in public can see. She added that it also allows for additional dust on the roadway where people travel. She concluded that she thought long and hard before writing the report and she does not feel that she treated it any different than the other request. She added that the three conditions were put there for a reason and she thinks that they should stay.

VI. OTHER BUSINESS:

1. Council to review Planning Commission priorities for action from the City of Union City Quality Growth Audit prepared by the Atlanta Regional Commission.

Ms. Lippmann also led this discussion and stated that she would like to assign some homework to the Mayor and Council. She added that a few months ago Steven Crosby came and made a presentation on the quality growth audit. She added that she developed a matrix and gave the Planning Commission a little homework and the unanimous number one priority in their opinion was to have a Greenspace plan. She added that other items that the Planning Commission voted on were to connect connectivity standards, identify areas where sidewalks are needed, require open space dedication, adopt an info housing ordinance and apply the open space conservation zoning overlay to undeveloped areas. Ms. Lippmann stated that she provided the Mayor and

Council with a copy of the matrix and she would like to get their opinion as well. She added that staff and the Planning Commission feels that everything on the list has merit and is something that we should consider within the next few years, but she was asking for priorities from the next six months to a year.

Mayor Moore stated that he was hoping that the busses being allowed to have access for their turning radius would be a priority.

Ms. Lippmann stated that it would fall under connectivity standards and it received some votes.

Mayor Moore stated that he asked Ms. Lippmann to develop civil guidelines and standards to allow busses to have access, intro access, to development, thus making development much friendlier to rapid transit and giving seniors or people who are transit oriented better access to commercial as well as high density residential development which allows people to get out of their cars.

At this time Ms. Lippmann asked the Mayor and Council to review the document and prioritize their list. She concluded that once they do so, she will begin to schedule meeting and request some funds for a Greenspace plan.

After a brief discussion, Mr. Rapson stated that a dedication for Highpoint Road and Green Oil will be presented at the September 18 Council Meeting.

City Attorney Davenport stated that this requires acceptance by the Mayor and Council.

Ms. Lippmann stated that this would be new public right-of-way.

Mayor Moore stated that this item should be deferred to the meeting in October. (Quality Growth Audit)

City Manager Reports:

Mr. Rapson provided the Mayor and Council with an update regarding the following:

- Ornstein-Schuler Land Donation – Status Update

Mr. Rapson stated that he received five binders bearing the appraisal this morning and although he has not had the opportunity to review the appraisals; he has reviewed the base line report. He added that he and City Attorney Davenport will review the appraisals together and compile a report for the next meeting.

- Woodbridge Status Update

Mr. Rapson stated that he met with them on the 29th regarding the issue with the type of use that is being done there and whether it is an R2 use versus an R4. He added that they are currently getting ready to do an audit of the facility and have our Fire Marshall go through their findings with them. He concluded that staff is working with them and he would update the Council once the audit is complete.

- Vacant Structures \$100 Fee Analysis

Mr. Rapson provided the Council with a vacant structures fee analysis. He added that the most we can charge is \$100, which is his recommendation, so he will set that fee at \$100 and start working with our database for the ones that we know about and provide that notification and reach out to the other counties with regards to how we identify what we call vacant property where it is very hard to grab the owner and how we get them in compliance as well because this is for those type of properties as well.

- Revenue Bond Status Update

Mr. Rapson stated that he will be having a conversation with Moody's on Wednesday to go over the rating so we should have an update for all of that soon. He added that all of the schedules that were given to the Council before are still the same; so as of now we will still have a Special Called Meeting on October 4 at 5:30 for the Jail Authority followed by a Special Called Meeting with the Mayor and Council at 6:00 p.m. on October 4.

- Macy's Offer

Mr. Rapson stated that he received an interesting proposal from Macy's. He added that they want us to just take over the building and just have it. He further added that he walked through the entire site and it has severe flooring damage, the ceiling is damaged, and the roof would have to be materially repaired. Mr. Rapson stated that they requested that he bring this proposal to the Mayor and Council to accept Macy's. He concluded that there are a host of issues in association with it, but he wanted to bring it to the Council and report back to him with what the majority of the Board wants to do.

At this time Mayor Moore stated that this would be a mistake.

Councilman Williams stated that it is a huge problem.

Mr. Rapson stated that we do not have any money to renovate it anyway.

Mayor Moore stated that the last thing that city government wants to do is become commercial landlords. He concluded that this is not what we do.

Mr. Rapson stated that he would communicate that back to Macy's.

- MBA Waste

Mr. Rapson provided the Mayor and Council with photos with regards to MBA Waste. He added that he received an email from them approximately 15 minutes ago and the gentleman is not happy that the fire hydrant has been put in and now he says he does not need a fire hydrant, so Mr. Rapson plans to have the Fire Department to start working with him. He added that he and Councilwoman Mealing met with him several times and he has committed to them several

times that he understood that he needs to do all of the deeds and he seems to have forgotten what he communicated to them. Mr. Rapson stated that he may be cited as early as tomorrow with regards to the fire hydrant, but he plans to respond to his email and keep the Mayor and Council in the loop. He referred to the photos and stated that the immediate concern that he has is if there was a fire at that location, there is no way for an engine to get to it and it creates a present danger to the employees. He concluded that he will be talking to him and he may contact the Mayor and Council.

Mayor Moore stated that he is border line becoming a vertical landfill.

Councilman Jones asked if there were still problems with water entering the back of the structure.

Mr. Rapson stated that there are still some drainage issues, but he thinks that he has tried to resolve most of those through sandbags and if he keeps it on site, he is probably in compliance. He added that he did replace the siding that was damaged. He further added that the Fire Department went out today to check on the status of the fire hydrant because we were going to send him a letter and when they saw the condition today, they took pictures and realized that we have a bigger problem than we thought. He concluded that he would reach out to him tomorrow and probably go for a site visit.

Mayor Moore stated that if you go to other recycling plants in the Atlanta Metro area, they look nothing like this. He added that this is appalling and he cannot see this City facilitating this type of crap in our City limit. He then asked if there was anything else.

City Clerk Jacqueline Cossey asked that the Mayor and Council speak clearly when making their motions. She added that she takes pride in her work and does not want to put words in anybody's mouth and whether their vote is aye or nay, she just wants the minutes to be accurate.

Mayor Moore asked the Council if they could raise their hands as they vote and say aye or nay.

Councilman Williams stated that reflecting back on it, there was some conversation going on when the Mayor called for the question and then he got the yes' and when Mayor Moore asked for any objections; he raised his hand when he said yes, so it may not have been clear verbally or vocally, but he raised his hand.

Mayor Moore stated that the question was, does anyone have a problem with raising their hand when voting. He added that this also shows the audience how the Council is voting.

There were no questions or objections.

Mayor Moore asked the Clerk if she was fine with the recommendation.

Mrs. Cossey responded, "Yes. Thank you".

VII. ITEMS FOR DISCUSSION:

VIII. ADJOURNMENT:

On motion of Councilman Mealing seconded by Councilmember Jones, the meeting adjourned.