

MINUTES  
REGULAR COUNCIL MEETING  
TUESDAY, NOVEMBER 20, 2012  
7:00 P.M.

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

Absent: Councilmember Shirley Jackson and City Clerk Jacqueline R. Cossey

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by City Manager Steve Rapson

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

Public comments were made by the following:

Yvonne Barber of 6385 Church Street addressed the Council regarding ongoing concerns with the Union City Police Department, City Manager and Code Enforcement.

III. ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS: None.

IV. CONSENT AGENDA: None. (Worksession Canceled)

***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 Agenda for separate consideration.***

V. OLD BUSINESS:

1. Council to consider whether to demolish to clean up and secure the property located at 6310 Vickers Road. (*Item returned from the August 16, 2012 Regular Council Meeting*).

Mayor Moore asked for a motion to bring this item to the table.

***On motion from Councilman Jones and seconded by Councilman Williams and carried, the aforementioned item was unanimously approved to be brought to the table for consideration.***

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David Mundt with SafeBuilt reported that he visited the property and spoke with Mr. Ross today and progress has been made to the property. Mr. Mundt stated that Mr. Ross does still have windows that need to be replaced and sheet rock on the inside that needs

to be demolished and he needs to open the building so that SafeBuilt can look at the electrical rewiring to the building. He further stated that Mr. Ross has secured the back deck, secured the windows, and made some significant progress. Mr. Mundt provided photos for Council. He stated that Mr. Ross has not completed the project and that it is all in progress. He recommended an extension of 60 to 90 days to complete the project and to make sure it is ready for certificate of occupancy no later than 90 days.

Attorney Dennis Davenport stated that this is a situation where Council has given someone 90 days to fix the property. He continued that this procedure is typically in place for those properties that are ready to be torn down. Mr. Davenport stated that if this property is in a positive direction and significant improvements have been made, this is handled better than the permitting process and coming back to Council. He advised that if Council likes what they hear in this report that this property can be removed from the calendar to be demoed. He stated that with normal inspection; if the property begins to go down, the process would begin again.

Mayor Moore asked for a motion.

***On motion from Councilman Williams, seconded by Councilwoman Mealing and carried, the aforementioned property was unanimously approved to be removed from the demolition list.***

2. Council to review Planning Commission priorities for action from the City of Union City Quality Growth Audit prepared by the Atlanta Regional Commission.  
*(Item to return in 90-days from the August 21, 2012 Regular Council Meeting)*

Mayor Moore asked for a motion to bring this item to the table.

***On motion from Councilman Williams, seconded by Councilwoman Mealing and carried, the aforementioned item was unanimously approved to be brought to the table for discussion.***

Community Development Director, Ann Lippmann stated that she is still missing two (2) of the Council's reviews and that she will get with those two between now and December 18<sup>th</sup>. She stated that she will have this item ready at the next meeting.

***On motion from Councilman Jones, seconded by Councilwoman Mealing and carried, the aforementioned item was unanimously approved to be deferred until the December 18, 2012 regular meeting.***

VI. REGULAR /NEW BUSINESS:

1. Approval of the minutes:      Called Meeting, 10/04/2012  
  Worksession Meeting, 10/08/2012  
  Regular Council Meeting, 10/16/2012

***On motion from Councilman Jones, seconded by Councilwoman Mealing and carried, the aforementioned minutes were unanimously approved with the amendments to page three (3) and four (4) of the October 16<sup>th</sup> minutes.***

2. Council to consider re-appointment of Joann Cummings to the Union City Housing Authority Board. (*Ms. Cummings has agreed to continue to serve*).

Mayor Moore asked if there were any additional nominees.

Councilman Jones stated, "No."

***On motion from Councilman Williams, seconded by Councilwoman Mealing and carried, the re-appointment of Joann Cummings was unanimously approved.***

3. Council to consider approval of a resolution for the establishment of a new trail system at Highway 29 Ball Fields location site. (*Items #3 and #4 were combined.*)

City Manager, Steve Rapson stated that this is for the additional trail that we will be using to connect the existing trail at Ronald Bridges Park. He stated that this is the request for approval of the resolution and the trail application for this new trail.

Councilman Jones inquired that if he understands correctly, this trail would move forward with the assistance of the grant.

Mr. Rapson stated that the resolution is part of the grant application.

Councilman Jones asked if they deny the grant will we put the trail on hold.

Mr. Rapson stated that if the grant is denied we will not build the trail.

Councilwoman Mealing asked what type of grant is it.

Mr. Rapson stated that it is a DNR (Department of Natural Resources) grant. He stated that there is \$100,000 in the budget with a \$25,000 match and it is funded in the budget as it exists, but we have to get it approved through DNR.

4. Council to consider approval of the grant application for the establishment of a new trail system at the Highway 29 Ball Fields location site.

***On motion from Councilwoman Mealing, seconded by Councilman Williams and carried, the resolution and grant application for the establishment of a new trail system at Highway 29 Ball Fields was unanimously approved.***

5. Public Hearing to consider demolition of the structure located at 6455 Raymond Drive.

Mr. Mundt stated that this structure is a duplex and is vacant at the time. He stated that on the day of inspection the property needed to be secured. He provided his findings. Mr. Mundt stated that for the structure to be occupied in the future it would have to be brought up to code and brought into compliance with the present codes. He stated that the current

fair market value for the structure is \$90,000, the current value from the tax assessor is \$3,000 and to bring this into compliance is about \$40,000 which is greater than 50 percent of the cost of the structure. He stated that his recommendation is that the structure be demolished.

Attorney Davenport stated that it was mentioned that this is a duplex. He inquired if the other Raymond Drive on the agenda was the other side of the duplex.

Mr. Mundt stated it is a different property.

Attorney Davenport asked how we would demolish one half of a duplex.

Mr. Mundt stated that 6455 Raymond Drive is the entire duplex.

Attorney Davenport asked if this address covered both sides of the duplex.

Mr. Mundt stated, "Yes."

Attorney Davenport asked if the report covered both sides of the duplex.

Mr. Mundt stated, "Yes."

Attorney Davenport stated that he just needed clarity.

Public hearing opened.

No one came forward.

Public hearing closed.

Attorney Davenport stated that for the record, any time we are demolishing these structures, we have given them 30 days to demolish or we will do it for them or we will put a lien on the property.

***On motion from Councilwoman Mealing seconded by Councilman Jones and carried, demolition of the structure located at 6455 Raymond Drive, after thirty (30) days to bring into compliance, was unanimously approved.***

6. Public Hearing to consider demolition of the structure located at 6510 Raymond Drive.

David Mundt reported that 6510 Raymond Drive in Union City is a duplex. He stated that at the time of inspection the structure was not secured and he stated his findings. He stated that the fair market value is \$106,000 and the estimated cost to bring these units up to present code is \$55,000, which is more than 50 percent of the fair market value. Mr. Mundt stated that he recommends demolition after being given 30 days to come into compliance.

Mayor Moore asked if there were any questions for Mr. Mundt.

There were no questions.

Public hearing opened.

John Porter, Attorney for Vericrest Financial, which is the servicing agent for the lender who has a loan on this property and whose address is 1050 Crowne Point Parkway, Suite 1250, Dunwoody, Georgia, stated that this is one of the projects/loans that is secured by a security deed in the name of Mortgage Electronic Registration Services. He stated that his firm represents the holder of the note and they did not receive notice concerning this process until last Friday. He stated that since that time those who handle projects like this have been on the premises and secured it. He stated that they are going to take a number of steps to try and salvage this property and that the property was not in default at the time this occurred. He further stated that they are in the process of attempting to get in touch with the owner of this property. He stated that he is asking the Council to consider delaying a ruling and to give them 30 to 60 days to evaluate the property and determine how we can best utilize it before taking the drastic step of tearing it down. He stated that there is a \$108,000 loan on this property and before having it torn down he is asking that they are given the opportunity to try to salvage it and make something of it. He also stated that he has photos if Council would like to see them.

Mayor Moore asked if there were any questions for Mr. Porter.

Councilman Williams stated that there were no questions for Mr. Porter, but that he did have a comment. He stated that he was there on the property and it does look like they are trying to secure the property and bring it to salvageable rehab.

Public hearing closed.

***On motion from Councilman Williams, seconded by Councilman Jones and carried, to defer the aforementioned item for sixty (60) days, was unanimously approved.***

7. Public Hearing to consider demolition of the structure located at 5218 Westbrook Place.

Mr. Mundt stated that he visited this location on July 25, 2012. He stated his findings. He stated that the property is worth \$40,700 and the estimated cost to bring it into current code is about \$31,000. He stated that this amount exceeds the 50 percent value set by the Fulton County tax assessor and he recommends 30 days deferral and demolition of the property.

Mayor Moore asked if there were any questions.

There were no questions.

Public hearing opened.

No one came forward.

Public hearing closed.

***On motion from Councilman Jones, seconded by Councilman Williams and carried, demolition of the structure located at 5218 Westbrook Place after thirty (30) days to bring into compliance, was unanimously approved.***

8. Public Hearing to consider demolition of the structure located at 6690 Gresham Street.

David Mundt stated that this vacant property was inspected on July 25, 2012 from the exterior. He stated his findings. He stated that the current value of the property is \$61,400 and the estimated cost to bring it into compliance with current codes is \$41,250. He stated that he recommends that the structure be demolished after a 30 day deferment.

Mayor Moore asked if there were any questions.

There were no questions.

Public hearing opened.

No one came forward.

Public hearing closed.

***On motion from Councilman Williams, seconded by Councilwoman Mealing and carried, demolition of the structure located at 6690 Gresham Street after thirty (30) days to bring into compliance, was unanimously approved.***

9. Council to consider accepting a land donation from Ornstein-Schuler, C-Palmetto OSCP4 LLC.

*(Items #9, #10 and #11 were combined.)*

10. Council to consider accepting a land donation from Ornstein-Schuler, Thompson Road OSCP4 LLC.

11. Council to consider accepting a land donation from Ornstein-Schuler, SFP-McClure OSCP1 LLC.

Matt Ornstein stated that these are three (3) additional properties he is trying to get approved to make a donation to Union City to add to the park and trail system. He stated that he visited these locations with Councilman Williams. He stated that Steve Rapson has the back-up documentation for these properties. Matt stated that he would like to respectfully ask Mayor and Council to make a motion to accept the donation of these properties provided that he can get consent from the members.

Mr. Rapson stated that he would like to read a couple things into the record. He stated that there are actually three (3) parcels; one is at Cascade and Palmetto which is 19.37 acres and there is 29.05 at Thompson Road and 38.96 at McClure Road. Mr. Rapson

stated that he has reviewed the entire phase one environmental and there are some things that we have to mitigate on the property. He further stated that they have agreed to come up with a \$15,000 not to exceed amount to allow us to do the mitigation. He stated that all of the conservation easements are consistent with the other properties with the exception of the property at South Fulton Parkway which is the SFP-McClure. He stated that this property has been amended in the conservation easement under 8.3e, which gives us the ability to mow and maintain those fields to do a festival or some type of activities. He concluded that the City Attorney has reviewed appraisals for each property and has drafted a motion for someone to read in regards to the donation of the properties.

The motion was read by Councilman Jones as follows:

***Motion for Union City will accept the donation of the properties contingent upon the members of the LLC, that on the 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 base line reports and appraisals for each property. Additionally, precertification letters to the State will be provided for each property along with any adverse communications from the State relative to these properties. To the extent any of these properties require remediation Union City will undertake said remediation and will be reimbursed by Ornstein-Schuler Capital Partners, LLC up to an aggregate amount of \$15,000 for all three properties combined.***

***On motion from Councilman Jones, seconded by Councilwoman Mealing and carried, the aforementioned motion was unanimously approved.***

Mr. Rapson stated that as part of the motion, if Council could give him the authority to execute the letter of dedication, as well as, the IRS letter, so we can execute this before the end of December.

Matt added that there are three properties under consideration, but there is one other property, already approved for accepting the donation, that we have not completed the donation on yet. He asked that the suggestion that Steve made also include the remaining four properties that are up for donation.

Mr. Rapson stated that to clarify, there are five properties that are already approved and of the five, four of those already have the deeds filed and we already have the signed dedication letters and the IRS letter for them. He stated that once the fifth one comes back it will require the Mayor's signature as well. He stated that he believes Matt is requesting that Council have him sign that one as well as the three that are being discussed tonight.

Councilman Jones asked if that would be a total of four that Steve would sign.

Mr. Rapson stated, "That is correct."

Mayor Moore asked if that could be made in the form of a separate motion.

Attorney Davenport stated, "Yes, it can be a separate motion for that."

***On motion from Councilman Jones, seconded by Councilwoman Mealing and carried, Steve Rapson was given the authority to execute the letter of dedication and the IRS letter.***

12. **Public Hearing** to consider a petition submitted by Mohammed Atiquir Rahman for malt and vinous liquor license for package sales for Food Mart #520 located at 4597 Jonesboro Road.

Ann Lippmann stated that this is the sixth alcoholic beverage license application for approval. She stated that it was submitted in November and has been reviewed by the City Attorney's office and is in legal form. She stated that this is a license submitted for 2013 and will have an annual fee of \$2,500 and staff recommends approval.

Mayor Moore asked if there were any questions.

Councilman Jones asked if this was the sixth application because there is a change in ownership.

Ms. Lippmann stated that it is a change in ownership and any new owner has to get a license in their name.

Public hearing opened.

No one came forward.

Public hearing closed.

***On motion from Councilman Williams, seconded by Councilman Jones and carried, the aforementioned petition was unanimously approved.***

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports

- 4666 Heather Court Pending Demolition

Mr. Rapson stated that structure, 4666 Heather Court is the one that on August 21<sup>st</sup> we had a public hearing and was going to demolish the property after 30 days; it came back on September 12<sup>th</sup> and counsel suggested we get an appraisal to confirm the fair market value. He stated that we did that and it came back and still showed that it needed to be demoed at that time. He stated that the resident had been in and out periodically cleaning and so we sent a further notification by letter on October 25<sup>th</sup> informing the owner that the structure would be demolished on November 5<sup>th</sup>. He stated that since she had been working on the structure we notified her again on November 13<sup>th</sup> that we would be holding one more hearing on November 20<sup>th</sup> to make a permanent determination on whether the structure would be demolished.



Attorney Davenport stated that the reason this took a different track is because someone is living there and up to this point the structures that have come before Council have been abandoned. He stated that we did not know at the time that someone was living there. He stated that when Council gave the 30 days, Polly went out and visited the property about 3 weeks into the 30 days and saw that progress was being made externally and when the resident attempted to do some work on the siding, Polly told her she could not do work without a permit. He stated that she took that to mean that she could not do anymore work not only because she needed a permit, but also because we were going to do an appraisal and she was going to wait for the appraisal to come back before she started doing anything else. He stated that the reason we recommended doing a separate appraisal is because someone is living there. He stated that the problem with that is once the 30 days lapse no one here could give her a permit because the motion was to give her 30 days and the 30 days was over. He further stated that we weren't sure if we had given this lady the entire time she deserved based on the motion so we wanted to bring it back to let you know someone is living there and as a result we are treating this differently to get some feedback to see what Council wants to do at this point.

Polly Miller, Chief Code Enforcement Officer, stated that she went there with Mr. Mundt and the resident had done minor clean-up work, the property is still in a state of disrepair. She stated it is trashed and very little has changed since being there a month ago. She stated that they wanted to extend her the courtesy to come back before Council to explain why she had not completed the work.

Attorney Davenport stated that in fairness to her she felt she was suppose to wait until the appraisal was done and that was a reasonable interpretation of the conversation. He stated that he wanted to make sure Council understood everything that happen and that although she was given 30 days, she did not use all those 30 days, not because she wasn't doing anything, but because she felt she could not use some of those days based upon an appraisal being done and her needing a permit. He stated that if Council wanted to provide her more time that this would be the time to do so. He stated that we are looking for direction from Council.

Councilman Jones asked if based on the three weeks that she did do minor clean-up, was it significant enough to remove it from the demolish list.

Polly stated, "No sir."

Councilman Jones asked had she been able to get a permit at the time, would she have met the time frame.

Polly stated, "Not within one week, no sir."

Mr. Rapson stated that since David is here he can clarify that the work that needs to be completed is structural related and we are not talking about cleaning the yard or picking up a fence. He stated that we are talking about the structural integrity of the house.

Mr. Mundt stated that there were areas at the corners, around the windows and doors that had wood rot from the exterior. He stated that the interior had termite damage at the seal levels and around the windows. He stated that the damage wasn't just in one area; it was the entire exterior of the house and the trash was no lower than his waist in any room. He stated that there were no working plumbing fixtures in the house, no kitchen appliances, no heating, and it was unsanitary.

Mr. Rapson stated that the Council has already taken action regarding demolition; staff has not followed through on that action because there is an individual involved.

Mayor Moore asked if there were any further questions.

Councilman Williams stated that he had a question for Attorney Davenport. He asked what would be his suggestion in an incident like this because we have always had vacant or un-inhabitant properties. He stated that with someone living there we are not in the business to make people homeless, but in listening to what is going on there, she is really not living.

Attorney Davenport stated that there was one other structure that he can recall where Council did take action to demolish a structure where somebody lived. He stated that he thinks it was the house behind City Hall that had the blue tarp on the roof for years. He stated that they had no running water and no sanitary facilities. He stated that he does not know what actions the city took with respect to providing some assistance in finding that person a place to live.

Councilman Williams stated that Attorney Davenport stated that she did not use all 30 days because she thought she had to wait. He asked do we give her those other days she felt she could not work because we told her to get a permit and she was waiting on the appraisal.

Councilman Jones stated that was his reason for the questions to Polly. He stated she roughly had a week and the structure could not be fixed in a week even with the permit.

Mr. Rapson stated that he would suggest that if Council is going to give her more time that we set up a notification process like we did with Woodbridge in regards to a situation where an individual cannot care for themselves or are in a situation that is a house situation. He suggested that we reach out to Fulton County and DHS and have them respond to the individual. He stated that we would provide her notification to say that on this particular date this house will be demoed.

Councilman Williams stated that if he is correct she is employed by Fulton County.

Mr. Rapson stated she is gainfully employed by Fulton County.

Councilwoman Mealing stated that we are not in the business of evicting people but this is a public health issue and this is not only dangerous on her health, but also the neighborhood.

Mr. Rapson stated that staff will notify Fulton County and find out when they can contact her and based on their contact, give her a two or three week window to give her access to get what she wants out of the house before it is demolished. He stated that this may not happen until the first of the year.

Mayor Moore stated that he agreed with Councilwoman Mealing and our primary responsibility is to secure the health safety and welfare of the community and when that is in jeopardy we must take unpleasant action to guarantee and ensure that the health safety and welfare of the community remains intact. He stated that he would recommend that we continue efforts to remove this house and if staff believes getting help is good for her, he has no problem with that, but our primary responsibility is to her neighbors.

Attorney Davenport stated that his office has communicated with her in writing on two separate occasions. He stated that one letter was to let her know that as of November 5<sup>th</sup> action was being taken to tear the house down, the second letter was November 13<sup>th</sup> to say that demolition has been held and it is being addressed with Mayor and Council on tonight to clarify any issues. He stated that he has no problem writing a third letter to her to state a date we will be bringing this process back in place again. He asked Council what date he should use to say this is the date we are starting this process back up again to demolish the structure.

Councilman Jones stated, "November 26<sup>th</sup>."

Attorney Davenport stated that he would get the letter out tomorrow.

***On motion from Councilman Jones, seconded by Councilman Williams and carried, to move forward with the demolition proceedings starting on November 26, 2012 and staff contacting Fulton County about other places for this resident to move into by the first of the year, was unanimously approved.***

- Woodbridge Update

Mr. Rapson stated that he met with the owners and searched each of the 150 units in the complex. He stated that this is an issue we had with those residing there who could not take care of themselves in some capacity. He stated that eight units have been turned over to DHS and they are working with them, one of the units has already been resolved and they are actively working with the other seven units. He stated that these eight units are flagged so that when Union City Fire Department or Police Department is dispatched our 911 operators understand that these units have individuals who need assistance until we can get that resolved. He stated that the apartment complex is working with us and we have a process set up so that we can do that on a yearly basis.

- Waste Industries Rate Increase 1.7% Effective Feb 1<sup>st</sup>

Mr. Rapson stated that he assumes this item would be deferred to "Other Business" item number one. He stated that he was notified by CLM and they have retracted the 1.7% increase effective February 1<sup>st</sup>.

He stated that Attorney Davenport wanted to discuss Local Option Sales Tax.

This item was added to the agenda for discussion.

- Local Option Sales Tax

Attorney Davenport stated that right now all 14 cities cannot come to an agreement on local option sales tax. He stated that we have been through the negotiation period of 60 days and the mediation period of 60 days and went into overtime on Friday and determined we are farther apart than imagined. He stated this is not going to be resolved any time in the near future. He stated that the way the law is written this year, if you don't agree and you go through the mediation process you have 30 days to file for baseball arbitration. He stated that the cities have brought on a consultant which is a necessary aspect in going forward in baseball arbitration. He stated that a consultant is needed to say what the split should be.

Attorney Davenport stated that the other issue is that 13 of the 14 cities want to bring on an attorney. He stated that out of the 13 cities at least 8 or 9 have signed on to say that they want the Welch Firm out of Stockbridge to represent the cities. He stated that he comes to Council with two issues, one is the consultant and the other is the attorney. He stated that Steve has met with the consultant, Brown Pelican Group out of Savannah, and the work product from the consultant left little to be desired as far as Union City is concerned. He stated that they were given 3 weeks to fix the problem and have not done so as of yet. He stated that if we do not see a change from the consultant it may be best to say, "Thank you, but no thank you."

A motion was made after further discussion.

***On motion from Councilman Jones, seconded by Councilman Williams and carried, Union City will proceed with the Welch Firm, was unanimously approved.***

## VIII. OTHER BUSINESS

1. Review of Advanced Disposal and CLM's rates, job performance and customer service.

Mayor Moore asked if this item could wait until work session because he was not prepared to discuss a contract tonight.

Councilman Williams stated that he was concerned about the increase that was sent. He stated that he knows they have a right to raise their rates, but he thought we agreed that they would contact us instead of surprising us with an increase. He stated that he recalls Ms. Jackson's concern about locking into a three to four year agreement with anyone.

Mayor Moore stated that he has no problem with reviewing, but he is not prepared to go through an analysis of this. He stated that he also agrees with his colleague about

locking into an agreement, but is this the time and place right now to go through the discussion of job performance and customer service.

Councilwoman Mealing asked when the contract expires.

Councilman Williams stated December 31<sup>st</sup>.

Mr. Rapson stated that this contract has a clause that is a one year contract that terminates December 31<sup>st</sup>, the city has to provide notice within the 90 day window, between now and December 31<sup>st</sup> to continue the contract for an additional one year period with two year options.

Mayor Moore stated that we should have done this earlier.

Mr. Rapson stated that based on their current job performance we didn't find anything significant in regards to any issues that are ongoing. He stated that when they submitted the rate increase they were following the terms of the contract. He stated that the contract states that they had to wait a year before they could submit a rate increase with a 90 day notice which is what they are doing by saying it will be effective February 1<sup>st</sup>. He stated that in the contract they are entitled to a CPI increase as well as a fuel adjustment. He stated that the increase they presented included both increases, but they withdrew the fuel increase based on the economy and then after we questioned the 1.7% increase, they pulled it as well.

Councilwoman Mealing stated that she had some concerns because we discussed not locking into a two or three year contract and that we would put everything out to bid. She stated that we talk about transparency and fair government and she thinks at this point that all of it should go out to bid.

Mr. Rapson stated that there are two different contracts and the Advanced Disposal contract is fixed.

Councilwoman Mealing stated that she understands that it is fixed, but she recalls back when we had that meeting last year, we said that we would open up to the open market and have competitive bids.

Councilman Jones stated that was if we came to the point where we were not favorable with their performance.

Councilwoman Mealing stated she did not recall that.

Councilman Jones stated that it is a one year contract with a two year renewal option and if you disagree with the service over the past year then you could end the contract 90 days prior to the end of the year and put it out to bid.

Mr. Rapson stated that the discussion he recalls when we initiated the disposal contract which goes until December 2014, we picked up the CLM contract with two one year renewals to get us under a three year term and we would put both contracts out to bid after 2014 so that both the contracts would be an additional three year contract for whoever got the award, unless there was a performance issue. He stated

that at that point we have the option of bringing it back up at the end of each calendar year according to Georgia Law.

Councilman Williams asked if it stated if there was a performance issue.

Mr. Rapson stated that there is a report that CLM has and he has reviewed those reports as well as spoken with the ladies up front and also to Dwayne Eberhart and there are no significant issues.

Councilman Williams stated that is not what he is asking. He stated he is asking if it states in the contract that if there are performance issues that we have that right.

Mr. Rapson stated that yes it is stated in the contract and we have performance related issues that we can bring up at any time with a 90 day notice and we actually have the ability to terminate at the end of each December based on performance.

Councilman Jones asked if any action would be taken on this.

Mayor Moore stated that this should have been dealt with earlier and we could have dealt with it. He stated that he has no problem with this going out to bid, but we have to do it based upon the contractual language of what was signed.

Councilman Williams stated that he was asking the City Manager if for certain, the language was in the contract, stating, "Only if it is a performance issue".

Mr. Rapson stated no, it's not only if it is a performance issue. He stated that this particular issue is contractual issue that terminates December 31<sup>st</sup> unless the city provides notice.

Councilwoman Mealing stated why it wasn't brought to Council sooner.

Mr. Rapson stated it was not brought sooner because 90 days out, we were looking 120 days out or around 160 days, there were no performance issues and based on guidance from Council he did not think it was something we wanted to put back on the street at the end of the year based on the approval of the contracts when we approved both of them in September.

Mayor Moore asked if there were any other questions.

There were no further questions.

2. Report regarding Hapeville Charter School's "After Hours" non-credit enrichment education classes for South Fulton and South Atlanta.

Dr. Gary Martin, the President of Hapeville Charter School and Ms. Linda Johnson gave a brief informational presentation regarding the non credit enrichment educational classes that will be offered through the school.

IX. REPORTS AND ANNOUNCEMENTS BY MAYOR AND COUNCIL:

Councilman Jones thanked the staff for all they have done. He stated that the Fire Department took care of 20 to 30 fires recently that were on Channel 2 News; excellent job of finding and responding to those before they got out of control. He stated that the Police Department has done an excellent job in the past two or three weeks with arresting perpetrators and catching speeders. He stated excellent job to Public Works and the work they have done with the playground at the park, it looks great. He stated Happy Thanksgiving to everyone and enjoy the holiday.


Councilwoman Mealing stated that she echoes what Councilman Jones stated and also kudos to the Union City Park and Recreation Department. She stated that they are doing a great job with the kids and football team; everyone is starting to see the UC branding. She stated kudos to all the departments, fire, police and public works. She stated that the decorations look beautiful and she loves to see the city come alive. She stated that she is glad to see efforts in making sure the grass is cut and also kudos to Polly and Code Enforcement because it is not an easy job. She stated that she wishes everyone a blessed Thanksgiving.

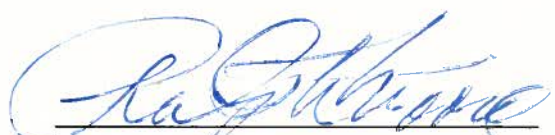
Councilman Williams stated that he echoes everything that has been said. He stated that we had a wonderful Veteran's Day service which means a lot to him and everyone in the room, because without those that serve we would not enjoy the liberties that we have right now. He stated Happy Thanksgiving to everyone.

Mayor Moore stated Happy Thanksgiving and that he is beginning an economic development initiative which is going to establish South Fulton, the southern hemisphere and this metro region. He stated that he believes there is power in numbers when there is a concentrated effort to propel economically this part of the region. He stated to stay tuned and look forward at the mall area and that he has a feeling it is getting ready to "break loose".

X. ADJOURNMENT:

***On motion of Councilmember Williams seconded by Councilmember Jones and carried, the meeting adjourned.***

  
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Jameca P. White, Assistant City Clerk

  
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Ralph Moore, Mayor