

MINUTES
REGULAR COUNCIL MEETING
TUESDAY, DECEMBER 18, 2012
7:00 P.M.

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

Absent: Assistant City Clerk Tameca P. White

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Councilmember Shirley Jackson

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

Public comments were made by the following:

Michael Hightower stressed his disappointment with the City's bidding process and urged the Council to review the process.

III. ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

City Manager Steve Rapson presented Comptroller Tarsha Callaway with the 2011 Comprehensive Annual Financial Report (CAFR) Award. He stated that although Union City has several of these awards, many cities do not get these awards.

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 review Planning Commission priorities for action from the City of Union City Quality Growth Audit prepared by the Atlanta Regional Commission. (*Deferred from November 20, 2012*)

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 brought to the table for discussion. Vote was unanimous.

City Planner Ann Lippmann stated that she received all responses from the Council regarding the quality growth audit. She then shared the priorities of the Council and the Planning Commission based upon their responses. She added that Council was unanimous with regards to four items as their priorities. Those items are as follows: Adopt a Green Space Master Plan, Adopt Connectivity Standards, Convert uses in the zoning ordinance to North American Industrial Classification System (NAICS) and reduce front yard setbacks requirements in commercial zoning districts. She stated that overall there were seventeen priorities from the Council. Ms. Lippmann further added that considering the recommendation from the Council and Planning Commission, there were two items that stood out which were Adopt a Green Space Master Plan, which was voted unanimously by all members of both Boards. She concluded that we would need an outside consultant to do a study and the budget may not allow that at this time; however, it is a priority for everyone.

Mayor Moore interjected and asked if the Comprehensive Plan addressed Open Space.

Ms. Lippmann stated that the Comprehensive Plan addresses it, but the intent was to look at the Green Space that we have with specific planning and connect the Green Spaces that we already have. Ms. Lippmann continued stating that the other item was to convert uses in the zoning ordinance to NAICS. She concluded that she also provided the Council with the entire list that the Council felt were priorities in ranking order. She concluded that maybe the Council could provide the Planning Commission with some direction in the New Year.

Councilmember Mealing asked if there was an update regarding bus shelter design guide.

Ms. Lippmann stated that the Livable Centers Initiative (LCI) Study is looking at the Mall as a transit oriented development and they are in the very beginning stages of that and there will be some public hearings in January 2013.

This item did not require a vote.

VI. REGULAR /NEW BUSINESS:

1. Approval of the minutes: Regular Council Meeting, 11/20/2012

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

2. Council to consider selling or donating Fire Engine 11.

Fire Chief Donald Leasher led this discussion and stated that he made a recommendation to Mr. Rapson to donate or sell Fire Engine 11 as this is a 1986 Ford which failed its' pump test and has a lot of electrical issues. He added that an estimated cost in repairs would range from \$30,000 to \$40,000 for this 26 year old truck. He concluded that considering the age and cost to repair the vehicle, he thought it would be best to donate to a volunteer fire department down South or sell it on eBay. He further added that he would still have one good reserve engine for backup.

Councilmember Jones asked how old the other backup vehicle is.

Chief Leasher stated that it is a 1995 freight liner commercial chassis.

Mayor Moore stated that with regards to disposing of the vehicle, the Council would have to declare it as surplus. He then asked for Chief Lasher's preference with regards to how it is disposed of.

Chief Leasher stated that he would rather donate it to a volunteer fire department south of Macon, Georgia.

After a brief discussion Mayor Moore asked if he needed a resolution to declare the vehicle as surplus.

City Attorney Davenport stated that it could be done if that is what the Council would like.

On motion from Councilman Williams, seconded by Councilwoman Jones and carried, the aforementioned vehicle was declared as surplus. Vote was unanimous.

3. Council to consider a resolution requesting that the State of Georgia and Fulton County Schools require carbon monoxide detectors be installed in all Fulton County schools as well as all schools in the State of Georgia.

Councilmember Jones led this discussion and stated that Finch Elementary School had an issue with carbon monoxide recently where 50 students were sent to the hospital. He added that the Fulton County School Administrator stated that he did not see any reason for Fulton County to do anything unless the State mandated that the schools do something; therefore, he is requesting that the City pass this resolution and send it to the Fulton County School Board and our State Representatives requesting that carbon monoxide detectors be placed in Fulton County Schools.

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

Mayor Moore thanked Councilmember Jones for bringing the resolution to the Board.

4. Council to consider approval of an ordinance imposing an Excise Tax on Energy sold or used in Manufacturing.

Mr. Rapson led this discussion and stated that a law was recently passed that allows manufacturers get a credit for energy use. He added that this is currently being paid to us as a portion of the Local Option Sales Tax. He further added that this gives us the ability to have Georgia Power to collect this tax on our behalf and remit it to the City. Mr. Rapson stated that the County had the election to do that, but they chose not to. He added that as a municipality, we have an election to do this through Georgia Power and in the future if the County were to do a resolution to adopt it, they would have to get the money from Georgia Power and remit it to the City. He then clarified that this is not a new tax. He added that this tax is only going to be separated if the manufacturer requests the rebate through the State and the City nor Georgia Power

have any way of knowing which manufacturer will do that, but this is being done out of an abundance of caution.

Councilmember Jones stated that on the memo from the City Attorney, it states that Fulton County decided not to enact the Countywide Excise Tax. He then asked if that has any effect on Union City.

City Attorney Davenport stated that this is correct. He added that the City can do it independently of the County, but the County can also come back at a later date and enact it and then the City would have to go through the County.

After a brief discussion City Attorney Davenport stated that it is a shift.

On motion from Councilwoman Jackson, seconded by Councilman Williams and carried, the aforementioned item was unanimously approved.

5. Council to consider approval of a road dedication from Majestic Realty.

City Planner Ann Lippmann led this discussion and stated that she was seeking guidance from the Council on this item. She then stated that this is dealing with Majestic Airport Center II located off of South Fulton Parkway. She added that the majority of the roads and some of the buildings were developed between 1999 and 2005 in unincorporated Fulton County and used Fulton County development standards. She further added that those were annexed into Union City effective October 1, 2006 and in July of 2012 Majestic submitted three final plats to us requesting to donate what were formally private roads to the City to be public roads; however, there is the presence of corrugated metal pipes which Union City's development regulations do not allow in and around those roads. She then stated that she is seeking direction from the Council whether we should move forward with accepting those public roads. Ms. Lippmann stated that her staff report included several pictures and if the roads are accepted, she would ask that repairs be made to bring the roads up to a better standard before accepting them.

Councilmember Williams stated that he noticed that Mr. Corbin spoke against it and after receiving another report from someone else stating that it would be probably 30 plus years before we had any issues then Mr. Corbin came back and agreed with the other party; therefore, he is confused. He then stressed that he would like to know what would be the impact on the City regarding something of this nature. He added that this could be a huge problem.

Ms. Lippmann stated that a similar comparison would be the issues that we have had along Shannon Parkway because that was corrugated metal pipe. She added that these roads are traveled daily by tractor trailers and eighteen wheelers. She further added that a letter from their engineer stated that the roads are expected to last for another 30 years and our City Engineer agrees that the expected life is 20 years. Ms. Lippmann stated that she has no information with regards to the financial impact, but she could find out.

Councilmember Williams stated that he would like to know.

Councilmember Jackson asked how many miles of road is it.

At this time the Woody Galloway, Representative of Majestic Realty located at 3500 Lenox Road, Suite 760, Atlanta, Georgia, addressed the Council. He then stressed that these roads were always intended to be dedicated, but they fell through the cracks. He added that they were in the process of donating them to Fulton County at the time of annexation and when the annexation occurred everything reset, staff changed at Majestic and then there was Kraft and Dendreon. Mr. Galloway stated that in the process of auditing things, this came up and needed to be done because it was a requirement. Mr. Galloway added that this has nothing to do with large trucks traveling along these roads because these pipes are not under the road and it is concrete pipes under the road. He added that it is bituminous galvanized corrugated metal pipe that was installed and just regular corrugated pipes. He further added that it is coated with an asphalt coating, the junctions are paved, and both of those factors weigh heavily on the life span of the corrugated metal pipe. Mr. Galloway explained that it is in the shoulders and it is approximately 1400 linear feet of piping and this pipe is allowed for use by Georgia Department of Transportation (GDOT) roads that are built in the State. She further stressed that they are shoulder drainage and if it fails, it fails, but there is no real consequence to that. He added that to make them spend \$200,000 to replace them today is ridiculous when the life span is 30 years at a minimum. He further added that according to the Army Corp of Engineers Study it could be 50 years. Mr. Galloway summarized that from an economical standpoint, it makes no sense to pull up perfectly good pipe now when there is no reason to do so.

Councilmember Jackson asked for clarity that nobody drives over the pipe, it is off to the shoulder and concrete is under the road.

Mr. Galloway shared a diagram of the area and stated that the piping is not under the road. He stated that he understands that there are surface issues in the report and those surface issues are primarily related to Atlanta Water going out and drilling on the sidewalk and they will take care of the surface issues on the road. He further added that they are willing to work through the surface issues but the issue that they take exception to is digging up a perfectly good pipe because Union City's standards are different from Fulton County's because they built it in accordance to Fulton County's standards. He then added that the City has accepted two subdivisions that have the same piping and anything else that the City accepts from Fulton County that was built in that era, is likely to have the same piping at least in the shoulders.

At this time Mr. Rapson stated that the thing that is hanging us up is the corrugated piping and the City has expressed concerns with this piping on Shannon Parkway. He added that this piping is off of the roadway on Shannon Parkway as well, but there are sinkholes occurring there which is why we do not allow this pipe anymore. He further added that due to the annexation there is some discretion, but our concern is bringing it up to the City's standards. He concluded that the focus is on the pipes, not the roads, curbs and sidewalks because all of this becomes the City infrastructure once this is dedicated.

Mr. Galloway stated that the road was built in accordance with the standards and the road is required to be dedicated as a result of Department of Transportation's (DOT) requirement and these were Fulton County's stipulations at that time.

Mayor Moore stated that at one time we had pre-annexation agreements and he still believes in them. He added that we did not do it then because we were in a rush to annex.

He further added that it is incumbent upon the City to examine and investigate what to annex prior to a final annexation agreement and we did not do that, now we are trying to come back after the fact and, in his opinion, making a ridged point as opposed to a practical point and while he understands that it is staff's job to enforce the standards; our position should be to temper sometimes when necessary and appropriate those standards so that we are not ridged to the point to where we are no longer business friendly, but more ridged to an ideology of standards as opposed to what is practical and what is realistic. He then stated that we can proceed and vote for the standards that we have imposed and he thinks we should continue to enforce our standards, but when we accept property into the City we have to accept it as is.

Ms. Jackson asked if the roads and other surface issues shown in the pictures were going to be fixed by Majestic.

Mr. Galloway stated fixing the surface issues is not a problem.

Councilmember Jones asked Ms. Lippmann if the two annexed subdivisions mentioned had any problems with the pipes.

Ms. Lippmann stated that she had no knowledge of any problems in those two subdivisions.

Public Services Director, Sylvester Alexander, indicated that he did not know of any problems.

Councilmember Williams stated that he feels a little slighted that the City's expert, Mr. Corbin, is not present to answer any questions that the Council may have. He added that Mr. Galloway articulated his point and he agrees with a lot of what he said, but when our staff is not available it leaves the Council a little empty and he wants to make sure that the Council is treating everyone fair and being business friendly. He then reiterated that he had concerns that Mr. Corbin was not present with this issue on the agenda.

Mr. Rapson stated that he could get Mr. Corbin to the next meeting if the Council would defer the item to next month.

Councilmember Williams stated that he would love to defer the item if his colleagues would support it.

Councilmember Jackson stated that she just wants to deal with it because she does not see a problem with it.

Mayor Moore stated that Mr. Corbin's report says what it is.

Councilmember Mealing stated that she understands Councilmember Williams point, but it seems as though the due diligence was not done on our part or staff's part when we were rushing to annex the property; however, if the pipe is in good shape and Majestic is going to take care of the sidewalks and surface areas, she would not have a problem with it, but she wants to be clear that we are not going to rubber stamp anything, but we are also not going to show favoritism. She added that she wants to be fair because when we were annexing we were approving a lot because we wanted to expand our City limits and she

does not think that we need to punish the development in front of us because things did not carry out the way it should have.

Mr. Galloway stated that he had two independent studies by Federal Housing Administration (FHA) and the Army Corp of Engineers regarding the life span of corrugated metal pipe.

Councilmember Williams stated that he appreciates the studies; however, he hopes that his colleagues understand that if the City is paying someone to be our expert or spokesperson, they should be present. He added that he is not trying to penalize the petitioner, but he would like an opportunity to hear from the City's expert and get guidance from him. He then asked for 30-days.

Councilmember Jackson stated that when they did this project they did it in Fulton County and it was not in the City of Union City so they did not have to come up to our requirements, so are we going to punish them now and say they have to tear this out and come up to Union City's stands, no way. Councilmember Jackson stated that she was ready to make a decision now. She then put it in the form of a motion.

On motion from Councilwoman Jackson seconded by Councilman Mealing and carried, the petitioner's request was approved by a vote of three-to-two (3-to-2). Councilmembers Jackson, Mealing and Mayor Moore voted in favor of the petitioner. Councilmembers Williams and Jones voted in opposition.

At this time City Attorney Davenport asked, for the record, if he could presume that the packet of information showing the pictures and the problems is an exhibit or an illustration of all of the issues that will be repaired.

Mr. Galloway responded, "Yes".

Mr. Davenport then asked if there is going to be any other documentation to enumerate that list of items.

Mr. Galloway stated that Gary Wax has met with the engineers and discussed that and he does not think that it is a catalog of every item, but thinks that there is an understanding as to what does need to happen. He concluded that this was not a final plat approval tonight, this was just direction.

6. Council to consider approval of an intergovernmental agreement with Chattahoochee Hills for 911 Services.

Mr. Rapson stated that Chattahoochee Hills approached Union City with regards to consolidating with our E-911. He then asked Police Chief Odom to address the Council.

Police Chief Odom stated that City of Chattahoochee, much like the City of Union City, provides services for their citizens and they have contracted with Fulton County to be an answering point for their 911 lines and to dispatch their fire and police. He added that Chattahoochee Hills has approached us and asked for an intergovernmental agreement to be an answering point for their 911 calls and to dispatch for their police and fire. Chief Odom stated that he has studied it and looked at their call volume as well as their 911

recovery fees related to their geographic boundaries and he thinks that this will be a mutually beneficial agreement.

Mayor Moore asked that with regards to compensation and consideration; he understands that the Chief has studied pricing, but could it be more advantageous to just have a premium on any calls over 50 per day rather than to renegotiate the contract and if the cost becomes higher than they are willing to pay, we could renegotiate.

Mr. Rapson stated that he would love to do that, but this contract with Fulton County terminates on December 31, 2012 and that analysis just has not been done. He added that he is not sure how he would come up with what the rate would be or how to make Chattahoochee feel comfortable any more than he would be. He further added that this was our effort to say that we know we can handle the calls as they exist today, but anything above that, we would need to take a look at it, which is why he put the clause in the contract to self generate that look.

Mayor Moore stated that anything over 50 calls has a cost associated with it.

Mr. Rapson stated yes, and we are saying that we are willing to assume the revenue they currently get for 911 to offset that cost because it does not have any incremental impact to our operations of staffing. He added that they may be answering the phone more, but we do not need to hire somebody to pick up the other phone because the folks that we currently have can handle that call volume.

Chief Odom stated that we have a lot of people that come into the City and do business but do not reside here and we do not receive any 911 recovery fees for those folks even though they impact our service strategy.

After a brief discussion Chief Odom stated for the record that this increases our ability to seek federal funds under grant opportunities by being a multijurisdictional center as opposed to a sole center. He concluded that when this works we may have some other neighbors coming to us.

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

7. Council to consider approval of an ordinance to establish provisions pertaining to emergency management regarding administration (Chapter 2).

Mr. Rapson led this discussion and stated that this ordinance is regarding emergency management to promote public health, safety and welfare. He added that this must be passed to be a part of Fulton County's emergency management activities. He added that this allows Fulton County to conduit money for that purpose on our behalf.

On motion from Councilman Mealing, seconded by Councilman Williams and carried, the aforementioned item was unanimously approved.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports

- **Inflow & Infiltration**

Mr. Rapson stated that he is currently in the process of evaluating the bids. He added that there were two vendors. He added that the bid will probably be under the threshold for a contract and he will forward the analysis to the Council. He added that he would address Mr. Hightower remarks if the Council wants him to do so.

- **Hotel/Motel Budget Amendment**

Mr. Rapson stated that he is in the process of finalizing what we can get the acts for and when we do it will cause us to do an amendment and we will bring it back before the Council.

- **De-annexation Ordinance**

Mr. Rapson stated that the City Attorney has the resolution for the de-annexation. He added that we tried to take this to the General Assembly last year and Fairburn tried as well. He further added that Fairburn has already made a motion to do so again and the City Attorney would like for the Council to re-pass our resolution again tonight.

City Attorney Davenport stated that the Council adopted the resolution in January 2012 to fix the boundary line issue and he took the resolution and updated it to today's date so we can resend it back to the General Assembly to try again in 2013 if that is the pleasure of the Council.

On motion from Councilman Jones, seconded by Councilman Mealing and carried, they City Attorney's request to resend the aforementioned resolution back to the General Assembly for approval was unanimously approved.

At this time City Attorney Davenport stated that there were blanks in the ordinance with regards to emergency management and someone has to be designated as the emergency management officer. He added that is typically the City Manager, Police Chief or Fire Chief.

On motion from Councilman Mealing, seconded by Councilmember Williams and carried, the Fire Chief was designated as the City's emergency management officer. Vote was unanimous.

Mayor Moore asked Mr. Rapson if he had a hotel/motel budget amendment.

Mr. Rapson stated that he would bring it back once he figures out what those numbers are. He concluded that he is still in the process of sorting that out.

City Attorney Davenport stated that he had two items for Executive Session. He added that item one is to review the Executive Session Minutes of October 16, 2012 and item two is a personnel matter.

On motion of Councilmember Mealing seconded by Councilmember Williams and carried, Council entered into Executive Session to review the Executive Session Minutes of October 16, 2012 and one personnel matter.

On motion of Councilmember Jackson seconded by Councilmember Jones and carried, Council reconvened to Regular session.

City Attorney Davenport advised the Council to take action in steps with regards to the personnel matter.

On motion of Councilmember Jones seconded by Councilmember Williams and carried, the Council created the position of Director of Parks and Recreation. Vote was unanimous.

On motion of Councilmember Mealing seconded by Councilmember Williams and carried, the Director of Parks and Recreation salary fall between the minimum and maximum of pay grade 18. Vote was unanimous.

On motion of Councilmember Mealing seconded by Councilmember Williams and carried, Lee Blitch was named as the Director of Parks and Recreation. Vote was unanimous.

On motion of Councilmember Williams seconded by Councilmember Jones and carried, the Parks and Recreation Manager position was abolished. Vote was unanimous.

On motion of Councilmember Jones seconded by Councilmember Williams and carried, the Executive Session Minutes of October 16, 2012 were unanimously approved as written.

VIII. OTHER BUSINESS

IX. REPORTS AND ANNOUNCEMENTS BY MAYOR AND COUNCIL:

X. ADJOURNMENT:

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


Jacqueline R. Cossey, City Clerk


Ralph Moore, Mayor

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTIVE SESSION AFFIDAVIT

Personally appeared before me, Ralph Moore, Mayor of the City of Union City, Georgia, who after being duly sworn says:

1.

I was the presiding officer of a meeting of the Union City Mayor and City Council held on the 18 day of December, 2012.

2.

That it is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection a of this Code section, the person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

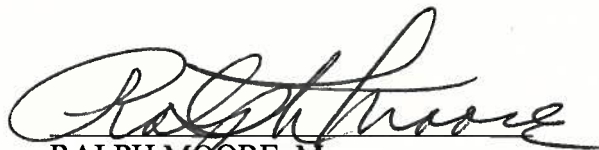
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 18 day of December, 2012, which was closed for the purpose(s) of (1) Personnel matter & approval of 10/16/12 minutes as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

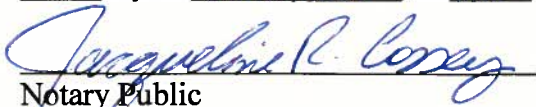
4.

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

FURTHER AFFIANT SAITH NOT.


RALPH MOORE, Mayor

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


Notary Public