

MINUTES  
 REGULAR COUNCIL MEETING  
 TUESDAY, APRIL 16, 2013  
 7:00 P.M.

Present: Mayor Ralph Moore, Shirley Jackson, Angelette Mealing and Vince Williams, City Attorney Dennis Davenport, Interim City Manager Sonja Fillingame, City Clerk Jacqueline R. Cossey and Assistant City Clerk Tameka Ashmon

Absent: Councilmember Brian Jones

At this time Mayor Moore asked for a moment of silence for the act of cowardice made on the citizens of Boston.

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Councilmember Vince Williams

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

No comments were made.

III. ACKNOWLEDGEMENT OF AWARDS AND ACHIEVEMENTS/PRESENTATIONS:

Mrs. Fillingame stated that there were no awards, but she wanted to acknowledge Community Development Director Ann Lippmann for all of the hard work that she has done on behalf of the City. She added that tonight would be Ms. Lippmann last Council Meeting. She further added that Ms. Lippmann has been with the City for sixteen years and she wishes her nothing but success in her new role with Paulding County.

Mayor Moore stated that he remembers when Ms. Lippmann first came to the City and he watched her grow. He then congratulated Ms. Lippmann on her new position and added that she was his favorite.

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 Agenda for separate consideration.***

1. Approval of the Minutes: Worksession Meeting, 03/11/2013 (Canceled)  
 Regular Council Meeting, 03/19/2013
2. Council to consider approval of a Resolution of Support for Providence at Parkway Village.

3. Council to consider approval of a contract with the Department of Transportation for the project located on CS 5079 Shannon Parkway from SR 138 to CS 5082 Mall Boulevard.
4. Council to consider approval of a resolution relative to Project CM000-0000-00(643), located on CS 5079 Shannon Parkway from SR 138 to CS 5082 Mall Boulevard.
5. Council to consider approval of a resolution recognizing Georgia Cities Week, April 20-27, 2013.

***On motion from Councilmember Williams seconded by Councilmember Mealing and carried, the consent agenda was unanimously approved.***

V. OLD BUSINESS: None

VI. REGULAR /NEW BUSINESS: None.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports:

- Sewer Billing

Mrs. Fillingame led this discussion and stated that she would like to receive direction from the Mayor and Council on a matter that has come before staff. She added that she was contacted by two customers who have septic tank systems and were not accessible to the sewer line, but they were inadvertently charged a fee. She added that when a credit is provided to citizens from the water department, typically staff provides a credit up to one year. Mrs. Fillingame stated that this case encompasses one address for two years and the other for three years. She concluded that she has been advised by the Council to be consistent in our approach and if she were to remain consistent that would include a refund for one year; however, she wanted to receive feedback and direction from the Council.

Councilmember Mealing asked if this was the first time that this occurred.

Mrs. Fillingame stated that after speaking with Mr. Eberhart she was informed that this was the first time that it has come up with regards to sewer.

Councilmember Jackson asked for the addresses affected.

Mrs. Fillingame stated that one location was 497 Alexander Avenue and the other address was 5135 Hilltop Drive.

Mayor Moore recommended a 100% refund to the residents. He added that it would be a usury possession by the City to have someone to pay for something that they never used.

Councilmember Mealing stated that it would not be fair to charge the citizens.

Councilmember Jackson asked how many years did this go back.

Mrs. Fillingame reiterated that in one case it goes back two years and in the other case it goes back three years.

Councilmember Williams asked if we customarily refund up to one year.

Mrs. Fillingame confirmed that we customarily refund up to one year, but that is regarding the water department.

Councilmember Williams stated that there is a level of responsibility that the residents have to inform the City, but the thing to do was to remain consistent. He then concluded that he had no problem with a refund, but up to one year.

Mayor Moore reiterated his position favoring a total refund, then called for a motion for an official position.

***Councilmember Mealing motioned to provide a total refund to the aforementioned residents for sewer fees. The motion died due to a lack of support.***

Councilmember Jackson stated that she would like to discuss it further. She then stated that she was concerned because someone else had the same issue.

City Attorney Davenport stated that this was different because the ordinance reads; if a resident is within a certain distance from a sewer line, they are deemed accessible, but the people located at the two addresses that we were discussing are outside of that distance, so they are not deemed accessible. He further added that if someone is accessible, whether they are tied on or not, they can be charged.

Mrs. Fillingame stated that staff reviewed 165 properties that were not accessible and a very small number of people were charged.

***On motion of Councilmember Jackson seconded by Councilmember Mealing and carried, the aforementioned residents received a total refund for sewer fees. Vote was three-to-one (3-to-1). Councilmember Williams abstained.***

At this time Mrs. Fillingame provided the Mayor and Council with an update regarding the mid-year budget presentation. She added that she and Mrs. Calloway have been meeting with all department heads and she would be reaching out to the Mayor and Council very soon with some recommendations. She concluded that she and Mrs. Calloway were moving forward with addressing and accessing the budget and determining the best recommendation to bring to the Mayor and Council regarding the budget.

Councilmember Williams thanked the staff for all of their hard work on the budget and for all of the hard work that they do every day regarding the City's business.

Councilmember Mealing stated that it was a pleasure working with Ms. Lippmann and thanked the staff for their hard work. She concluded that Union City has the best employees in the nation.

VIII. BUSINESS

IX. AND ANNOUNCEMENTS BY MAYOR AND COUNCIL:

City Attorney Davenport stated that the Executive Session minutes of March 19, 2013 needed to be reviewed and approved.

At this time Mayor Moore wished Councilmember Williams a happy birthday.

Mayor Moore stated that he would entertain a motion to enter into Executive Session to review the Executive Session Minutes from March 19, 2013.

***On motion of Councilmember Jackson seconded by Councilmember Mealing and carried, Council entered into Executive Session to review the Executive Session Minutes of March 19, 2013. Vote was unanimous.***

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

***On motion of Councilmember Mealing seconded by Councilmember Jackson and carried, the Executive Session Minutes of March 19, 2013 were approved as written. Vote was unanimous.***

X. :

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

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Jacqueline R. Cossey, City Clerk

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Ralph Moore, Mayor