

MINUTES
WORKSESSION MEETING
TUESDAY, OCTOBER 15, 2013
6:30 P.M.

Present: Mayor Pro-Tem Shirley Jackson, Councilmembers Brian Jones and Angelette Mealing, City Attorney Dennis Davenport, City Manager Sonja Fillingame and City Clerk Jacqueline R. Cossey

The meeting was called to order at approximately 6:30 p.m. by Mayor Pro-Tem Jackson.

I. ACKNOWLEDGEMENT/PRESENTATIONS:

2013 GMA Health Promotion Grant awarded to Union City (Teaa Allston)

II. OLD BUSINESS: None.

III. REGULAR/NEW BUSINESS:

1. Approval of the Minutes: Called Council Meeting, 09/04/2013
Called Council Meeting, 09/16/2013
Worksession Meeting, 09/17/2013
Regular Council Meeting, 09/17/2013

Mayor Pro-Tem Jackson asked if there were any corrections to the minutes.

No corrections were made and the minutes were added to the consent agenda as written.

2. Council to consider approval of request to re-appointment Phyllis Brown to the Housing Authority Board.

Mayor Pro-Tem Jackson requested that items two and three be deferred until January 2014. She added that Phyllis Brown has indicated that she is tired and no longer wants to serve and Ms. Peeks is already on a Board and she does not like appointing the same person to two different Boards. Mayor Pro-Tem Jackson stated that she is not aware of anything that is important and requested that the items be deferred until January 2014.

Councilmember Mealing stated that she was fine with deferring both items until January, but for the record, Ms. Shayla Nealy served on both Boards due to her expertise and Ms. Peeks also has a Planning degree from Georgia State and has experience with Fulton County and she expressed this for quite some time, but this Board moved forward and allowed Ms. Nealy to serve on both Boards so she thought that we should not do for one and not the other.

At this time City Clerk Cossey informed the Council that these recommendations came in writing from the Chairperson of the respective Boards.

City Attorney Davenport stated that the Zoning Ordinance allows for one person to serve on the Zoning Board of Appeals and the Planning Commission.

Mayor Pro-Tem Jackson reiterated that she would just like to wait because there was nothing going on.

Councilmember Jones stated that he was fine with waiting until January to fill the positions.

Council agreed to defer items two and three to January.

3. Council to consider approval of request to appoint Tareka Peeks to the Planning Commission. (Ms. Peeks also serves on the Zoning Board of Appeals)

This item was deferred to January 2014.

4. Council to consider re-adoption of the Local Option Sales Tax (LOST) Certificate.

City Attorney Davenport led this discussion and stated that this has been a long process and the Turner County decision that came out last Monday threw a lot of counties and cities into turmoil because there were about 30 counties with their respective cities that did not complete a certificate by December 30, 2012 and instead relied upon the base of arbitration provisions and the amended act as a safe harbor to continue negotiation through the litigation aspect of it and the Turner County decision ruled, it violated the separation of powers to allow the Judiciary to make that kind of decision. He further added that it was unsure as to what that meant for all of the other cities and counties that did not have an agreement or certificate executed and better still, what does it mean for all of the cities and counties that have one executed, but after December 30, 2012, because there was not a lot of direction in the opinion as to what this really means other than the fact that you cannot go to the Judicial to make this decision, so the Attorney General's office has weighed in along with Georgia Municipal Association (GMA) and Association of County Commissioners of Georgia (ACCG). Attorney Davenport added that the Revenue Commissioner put out a directive that if everybody would put together another certificate and submit it by 4:30 p.m. on Thursday, that he would accept it, but he does not know if that means that everything will be fine. He concluded that he does not see a down side to doing following through with it and Union City and a number of other cities in Fulton County have secured the firm of Andy Welch in Stockbridge to represent the cities in this Local Options Sales Tax (LOST) arbitration negotiations and he recommends that it is a good idea for all of the cities to re-adopt the certificate.

Councilmember Jones stated that he does not have a problem with adding the item to the consent agenda, but he wanted to clarify that this does not change the portion that Union City would receive.

Attorney Davenport stated that everything is exactly the same as it was three weeks ago and nothing has changed. He added that the only difference is the certificate is being adopted outside of litigation and before it was adopting within litigation.

This item was added to the consent agenda.

V. RECOMMENDATION FROM THE PLANNING COMMISSION:

1. **Public Hearing Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 38.91 acres of property located along Goodson Road from Fulton County AG-1 to Union City M-1 by IDI, Inc. *Planning Commission recommendation – Approval*

City Planner Shayla Harris led this discussion and requested to address both items together. She stated that the current property is requesting rezoning and is currently zoned as Fulton County AG-1 and requested to be zoned as Union City M-1. She further added that the property contains a vacant structure and the petitioners have immediate plans for development. Ms. Harris stated that the annexation request is a 100% method of annexation and meets the requirements by State code 36-36-20 which requires that the property be contiguous to the existing municipal boundaries by at least 1/8 of the aggregate boundary or 50 feet, whichever is less. She added that the subject property shares 2461 feet of property with the corporate limits of Union City and extension of police protection, fire protection and other city services will occur immediately upon the effective date of annexation, which will be November 1, 2013. Ms. Harris concluded that during their meeting in September, the Planning Commission recommended approval of this rezoning and annexation into Union City and the petitioner was present for questions.

Councilmember Mealing stated that she did not have any questions, but she was curious as to what the petitioner was planning to build on the property.

Jay Mitchell of IDI, Inc. addressed the Council and stated that it is a total of approximately 48 acres and he has worked with the lumber company nearby and reached an agreement to have access right beside their property. He added that they have also discussed it with Department of Transportation (DOT) and they have been given preliminary approval to redesign the entrance as well as the acceleration and deceleration lanes to help with the traffic flow. He added that the building was approximately 400,000 square feet. Mr. Mitchell stated that he regrets that he was unable to mention the name the company, but the company has one major client which is a fortune 100 fast food company. He added that a portion of the building will be a freezer and they will begin with approximately 100 employees and their plan is to expand over time and end up with about 150 employees. He then took questions from the Council.

Councilmember Jones asked how much traffic Mr. Mitchell anticipates on Beverly Ingram.

Mr. Mitchell stated that all of the traffic would be on Beverly Ingram with about 100 cars for employees and about 50 trucks a day.

Councilmember Jones asked the Public Works Director, Cedric Clark if the road could sustain 50 trucks a day or if we would be looking at resurfacing in the future.

Mr. Clark stated that based on that volume he does not think that it would have any additional impact or cause any improvements that would be out of the ordinary.

2. Mayor and Council to consider annexing the 38.91 acres of property into the corporate limits of Union City by IDI, Inc. *Planning Commission recommendation – Approval*

This item was addressed above.

VI. OTHER BUSINESS: None

City Manager Reports:

- Fall Festival
- Veterans Day
- Jail Update

VII. ITEMS FOR DISCUSSION: None.

VIII. ADJOURNMENT:

There being no further business the meeting was adjourned.