

MINUTES  
WORKSESSION MEETING  
TUESDAY, NOVEMBER 19, 2013  
6:30 P.M.

Present: Mayor Vince Williams Councilmembers Shirley Jackson, Brian Jones, Angelette Mealing and Joyce Robinson City Attorney Dennis Davenport, City Manager Sonja Fillingame, City Clerk Jacqueline R. Cossey and Assistant City Clerk Ricky Clark Jr.

The meeting was called to order at approximately 6:30 p.m. by Mayor Williams.

I. ACKNOWLEDGEMENT/PRESENTATIONS:

Swearing-in of Mayor Vince Williams and Councilmember Joyce Robinson (7:00 P.M.)

II. OLD BUSINESS: None.

III. REGULAR/NEW BUSINESS:

1. Approval of the Minutes: Worksession Meeting, 11/19/2013  
Regular Council Meeting, 09/19/2013

Mayor Williams asked if there were any corrections to the minutes.

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

2. Council to consider approval of a resolution to amend the Urban Redevelopment Plan's target area to include 48.02 acres of recently rezoned land.

City Planner Shayla Harris led this discussion and stated that the owners of Majestic Airport Center III would like the Council to consider an amendment to the current opportunity zone/Urban Redevelopment Plan. She added that they are making this request so that future owners of the property will have the opportunity to receive a \$3,500.00 tax credit. She concluded that staff recommends approval of the request.

This item was added to the consent agenda.

3. Council to consider approval of an ordinance authorizing the judge of the Municipal Court to impose certain fees as costs of court.

Police Chief Chuck Odom led this discussion and stated that this was a house keeping measure due to some litigation that came out of Atlanta. He added that the Judges at GMA advised him that there should be a resolution or an adoption for these fines.

This item was added to the consent agenda.

4. Council to consider approval of an ordinance regarding vehicle immobilization devices in Union City.

Police Chief Odom also led this discussion and stated that there are companies in the City that are using immobilization devices or boots on vehicles in parking lots. He added that he understands that the parking lots are private property and apparently these companies have been contracted by the owners of these properties, but due to several complaints; he began to do some research and found that there is a lack of any kind of regulation on the State level, although it was visited two years ago and the House of Representatives but it never go out of committee. Chief Odom added that several other Cities have similar problems and tonight he is asking for approval of an ordinance that would regulate these companies and mandate the type and size of signs that will be posted in a conspicuous manner around the property and make someone available if someone's vehicle is booted. He further added that this ordinance will also set a cap on the fines that can be levied based on the type of vehicle whether it is commercial or passenger vehicles and the property owners must file the name of the company that will be doing business in the city with the Police Department on an annual basis.

Councilmember Mealing asked how many companies were currently participating in this type of service in the City.

Chief Odom stated that he was aware of two companies that use these booting devices and a third company contacted his office with interest in the City.

Mayor Williams asked if this would negate any other businesses from coming in the City.

Councilmember Jackson stated that we can never limit a business from coming in.

Chief Odom stated that his intent is not to diminish anyone's business, but to do it right and make sure everybody is on the same page.

Mayor Williams asked if the companies needed a Union City business license.

Chief Odom stated that this question is what started the whole thing. He explained that there was a company doing business in the City and the Police Department wrote one of their agents a citation for doing business in the City without a license and he found out that there had been conversations between members of Code Enforcement, Ms. Harris' office and the business owners because they felt as though they were being summoned into the City and because they had a business license elsewhere that they were not required to have a business license in Union City. He added that in the spirit of that, he would agree, but in the manner of which they were doing business is almost paramount to running a cab stand. He further added that he met with the Municipal Court Judge and dismissed the citation for want of prosecution in an abundance of fairness for everyone involved, but this is why he is seeking some regulation and drafted an ordinance for the Council to consider.

Councilmember Jones asked if tractor trailers were being booted.

Mayor Williams replied, "Yes Sir".

Councilmember Jones stated that he has noticed that the Wal-Mart parking lot is not as full as it was.

Mayor Williams stated that he has received calls from some of our State Representatives with regards to the heavy concentration on the Wal-Mart parking lot and this is something that we must keep in mind.

City Attorney Davenport stated that Mr. Justin Bennerman called him today and he may even be present this evening, but he shared a couple of his concerns. He added that Mr. Bennerman is the property manager for Shannon Square Center and he referenced a couple of areas in the ordinance that concerned him. He further added that page 2 contains language with regards to sign visibility may require a lot more signage than needed because the parking lot is huge. Mr. Davenport continued stating that the other issue is on page 3 with regards to a phone number being operable and answered in person during the hours the vehicle immobilization device is affixed. He then stated that Mr. Bennerman's concern is that a lot of this activity occurs in the wee hours of the morning. Mr. Davenport then stated that the Council had a version of the ordinance in their notebooks, Page 4 section F, which allows surveillance of the lot by the agent of the parking company if there is a contract with the owner. He added that the Police Chief prefers a different version where surveillance of the lot is not allowed and in this instance, if there is a violation, the owner must be contacted to send someone to handle it. He then asked Chief Odom if he wished to speak to the matter.

Chief Odom stated that he asked for this because within the laws that deal with towing companies, the law is explicate and states that they cannot camp out in the parking lots. He added that they must be summoned by the owner of the property or his agent to respond due to illegal parking. He concluded that he believes that when the State revisits this, it has the language that was being prepared when it was in committee which is why he asked the City Attorney to draft an ordinance using that language.

Councilmember Jones stated that he was fine with the signage language and this does not concern him but he is concerned about the truck drivers not being able to contact someone to remove the boot if they are trying to make a delivery. He added that they should be able to pay their fee and keep moving.

City Attorney Davenport stated that the two versions discussed have a direct impact on the language in paragraph G. He added that if we are not allowing surveillance, they must contact the owner in order to have authorization to go boot. He further added that if there is no one there who is answerable 24 hours a day, how they would have authorization to boot the vehicle.

Councilmember Jackson stated that this is so the company will not come out and boot everyone in the parking lot.

Mayor Williams stated that it is up to the business owner to have someone in place to answer the telephone.

At this time Kenny McWinney, owner of Maximum Booting Parking Enforcement Agency, requested to speak and stated that the problems that they are having are mainly with the trucks. He added that the truck drivers are illegally parking on the property are violating the lots, their loads are tearing up the asphalt which the business owner has to replace. He further added that he was looking at an email regarding the cap on the fee for booting and if he booted the trucks by the pound, the fee would be a lot higher. Mr. McWinney stated that under the nonconsensual towing act in the State of Georgia, which is through the Georgia Public Service Commission, allows the towing company to charge \$650.00 to remove the tractor trailer from the property and his price is much lower than that and that is why the booting company came in to boot the trucks. He added this does not pertain to cars and that the violators are the trucks. He further added that the truck come in and leave their truck in the Wal-Mart parking lot for 2 to 3 days, they leave their trucks in Shannon Square and the Union Station Mall parking lot and they think it is their personal parking spaces. Mr. McWinney stated that there are truck stops for them to pay to park their trucks. He added that he also runs a towing company out of Palmetto and his business license is out of the City of Palmetto and he has been in business there for many years and pulls for the Police Department in Palmetto, Fulton County and many more as he has a very reputable company and he does not have outrageous prices. He then requested to speak in further detail after the meeting.

This item was added to the regular agenda for further discussion.

5. Council to consider approval of request to extend the contract with CLM to December 31, 2014.

Mayor Williams stated that this item was self explanatory.

This item was added to consent agenda.

6. Council to consider approval of the Certificate of the Mayor for the issuance of revenue bonds by the Housing Authority of the City of Union City for the benefit of TBG Providence, LP.

City Attorney Davenport led this discussion and stated that this was an Internal Revenue Service regulation requirement because the Housing Authority will be issuing tax exempt revenue bonds; the governing authority of the jurisdiction has to sign off on them doing so. He added that this will be a pro senior development off of South Fulton Parkway. He further added that Torian Priestly worked on the last development and is also working on this development. Mr. Davenport stated that these tax exempt revenue bonds will also require us to hold a Tefra Hearing where he served as the hearing officer on held October 24, 2013 and no one came, now the City has to sign off that it approves of these tax revenue bonds to issue to the Housing Authority.

This item was added to the consent agenda.

#### V. RECOMMENDATION FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider text amendments to Article VI, Section 6-15 "Town Center Mixed Use (TCMU)" Zoning District.

City Planner Shayla Harris led this discussion and stated that during the Planning Commission's October meeting, they discussed recommendations that were provided in the Livable Centers Initiative and among those recommendations was a text amendment that is needed. She added that the focus is on the residential, commercial and industrial portions. She further added that she listed the changes in the staff report and the Planning Commission recommended approval to only remove the two-family housing and mini storage facility of areas and to leave industrial as is.

Councilmember Jones asked how that would affect the map.

Ms. Harris stated that any changes made tonight will affect all of the Town Center Mixed Use zoning districts. She added that it will not affect just the Mall area, it will be all properties.

Councilmember Jones asked if any property outside of the Mall areas that would be adversely affected by the change.

Ms. Harris stated about 90% of the Parkway is Town Center Mixed Use.

Councilmember Jones stated that he was speaking of developed property.

Ms. Harris stated none that is currently developed.

Councilmember Mealing stated that she thought that one of the strengths of having a Town Center Mixed Use was to have a part residential as well as commercial.

Ms. Harris explained that residential is only removing portions, not all. She added that there are multi-family and town homes which will still be there. She further added that the single family detached is what is being removed. Ms. Harris stated that mini storage is a very idyllic use and Town Center Mixed Use is a very active zoning district.

VI. OTHER BUSINESS: None

City Manager Reports:

- Union City Holidays
- Annual Tree Lighting

VII. ITEMS FOR DISCUSSION: None.

VIII. ADJOURNMENT:

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