

UNION CITY
CALLED COUNCIL MEETING MINUTES
MONDAY FEBRUARY 10, 2014
7:00 A.M.

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

The meeting was called to order by Mayor Williams at 7:00 a.m. Mayor Williams turned the meeting over to City Manager Fillingame.

1. Council to consider Planning and Economic Development Opportunities.

City Manager Fillingame stated that due to the budget cuts, many of the departments were impacted and Community Development was one of them. She added that we are down to two staff members with one handling Planning, Zoning and Community Development and the other person handling Permits, License and Taxes. She further added that due to the continuity with operations Council approved a merger with Finance and Permits, License and Taxes to obtain some depth with regards to operation to improve customer service and continuity of operations. Mrs. Fillingame stated that we are still relegated under the Planning and Zoning and Economic and Development area to one staff person who has been working very hard, but continuity of operations has been a challenge. She added that during the budget process that this would be brought back before the Council for discussion and direction. She further added that one of the reasons that we are here today is to obtain some direction from the Council in terms of how the Council would like to proceed with Community Development. Mrs. Fillingame stated that there were two options with the first being to continue with one staff person providing services for Planning and Zoning and Community Development or consider outsourcing that function with a hybrid to keep the existing staff person as a Union City employee and bring in a outsourced component to help shore up that gap. She then stated that The Collaborative Firm was present as they have presented a proposal to the City regarding the services that they provide one of which is an outsourced capacity. She added that they can come in and assist on an on call basis or day to day basis and they have a lot of expertise regarding LCI Comp and more. At this time Mrs. Fillingame stated that staff is asking the Mayor and Council how they would like to proceed.

At this time Mayor Williams asked Mr. Hightower to provide a brief overview as to what services he could provide and take questions from his colleagues.

Michael Hightower of the Collaborative Firm, LLC addressed the Council and introduced Kimberly Smith. Mr. Hightower stated that he would speak to the firm and allow Ms. Smith to address the proposal. At this time Mr. Hightower stated that the firm was founded in 2001 in the Northern area and moved to the South side in 2002. He then turned their attention to a profile located in their packets. Mr. Hightower then referred to a map, also located in their

packets, consisting of locations where the firm has provided their services. He then turned their attention to a list of private clients as well as resumes of the top two people who will be assisting in leading with this effort. He then turned it over to Ms. Smith to address the proposal.

At this time Ms. Smith addressed the Council and directed the Council's attention to page 5 of the proposal and stated the initial component of the proposal included a planning assessment which would begin March 1, 2014 through April 30, 2014. She stated that the basis of the proposal would be to inventory the existing program and staff functions. She added that they would look at all of the functions that are currently being performed in the department as well as evaluate the organizational structure. Additionally they would survey users and go over the day to day operations of that department as it is today to see what the processes are and how they can be improved which goes through the second component of the analysis where they will analyze all of the inventory they capture in the initial analysis and then implement the program changes. She concluded that this would be a conclusion of all of the analysis that they come up with and put it into a standard operating procedure (SOP) for the department to use in the future to carry out all of the functions in current Planning Department as it is today. She then took questions regarding this section of the proposal.

Councilmember Mealing stated that she just received a hard copy of the proposal this morning and was reviewing page 5 and the only issue that she has was regarding the inventory of staff functions. She then asked if we go in the direction of keeping staff, she was confused about duplicate functions and who would provide the services.

Ms. Smith stated that page 6 addresses the current planning services. She added that the firm is also proposing that they have a staff person within the department 20 hours a week and in that essence the firm's staff person would have the opportunity to not only work in the department and go through the processes that they are evaluating, but they will also review the functions as well as work through the functions. She then stated that she has worked with many municipalities within the metro area including Fulton County, City of Atlanta and Henry County, so she is very familiar with what processes are good processes and which processes do not work well.

Mayor Williams stated that the Collaborative Firm would be taking a look at where we are weak and assist the person in that department to bring us up to speed and also assist with getting us to where we should be.

Ms. Smith stated that Mayor Williams is correct.

City Manager Fillingame stated that part of the issue with continuity is that there has been a lot of operational practices and a lot of institutional knowledge and some of that has not been documented. She further stated that we are hoping that as part of the solution one of the things that we can do to mitigate that challenge is to go in and start reviewing functions and procedures so that we can document them and have some standard operational procedures that will also support continuity of operations. She added that if you take the people out and

leave the issues in we will have some documented processes and procedures that the City is left with that we can continue operations.

Mr. Hightower stated that in 2005 Newton County hired them to come in and do the assessment and they found that there were obligations that were not being met per the law by staff. He added that in Clayton County they found some alarming problems with regard to how they were doing their mapping and had there been any law suits filed, it would have been hard pressed to defend them. He added that there are some very specific legal requirements that the Planning Department has to follow.

Councilmember Nealy stated that working in development and engineering practices, there are some things coming down the pipe through the Metropolitan North Georgia Water Planning District as it relates to ordinances and ordinance development restructuring; therefore, if we have staff that is not on a full time basis and helping other departments and divisions, some of that might fall through and become lacking and we do not want to be in a situation where we are obtaining consent orders because we are not in compliance with State requirements.

Ms. Smith concluded that the deliverable is for a standard operation procedures document which will cover the process systems and work for analysis of the department, a revised current planning document and form associated with the planning processes and customer service and management training for the staff that is currently in place. She added that along with the survey and meeting they will interview former employees as well as the current employee for the planning division as well as provide a professional development resource guide for the current employee.

At this time Ms. Smith addressed page 6 regarding the scope of the proposed services which will begin March 1, 2014 through August 30, 2014 where the firm will provide a part time person for 20 hours a week for professional planning. She added that the City will have access to all of the planners and engineers that are on board with The Collaborative Firm as a resource and they will ultimately review the zoning requests and short range planning components of the department. She stated that they will produce staff reports as well as review and evaluate staff plans along with answering any zoning inquiries and developer inquiries associated with short range planning functions. She added that the firm will also assist with drafting text amendments based on the developers' needs for the community and submit for the Board's approval. She further added that the firm will attend and participate in any meeting or public hearings associated with the short range planning functions and answer and comprehensive sub area planning inquiries and provide appropriate information to citizens, property owners, developers and businesses based on the zoning and comprehensive planning for the Community and Economic Development Department. Ms. Smith stated that the firm will also provide additional economic development inquiry assistance based upon the amount of interest from developers wanting to relocate in the City because having a short range plan and planner on the front end of those processes is always important because that person will be able to coordinate with what the rules and regulations are regarding development in the City. She then took questions on this section.

Councilmember Jones requested clarity with regards to the number of staff members that would be on board inclusive of The Collaborative Firm.

City Manager Fillingame stated that there would be one full time employee which is the senior planner that we currently have and one part time person provided by The Collaborative Firm. She added that the person in Permits, License and Taxes has been moved under the Finance Department.

Councilmember Robinson questioned that after this has been successfully implemented, where does that leaves us after August 30, 2014.

Mayor Williams stated that it is up to the Board because we have budgeted up to August 30th. He added that it would mean that we would have to look at the opportunity to perhaps entering into another contract with them during the budget process.

Ms. Smith stated that they have thought about that are they are preparing an ongoing proposal.

Mayor Williams stated that we certainly have staff that has institutional knowledge and with this opportunity we will be able to have dialog with that person because often times when you have all of that information and it has not been recorded, if you wait long enough; you will no longer remember, so this is important to him and certainly his colleagues as well because we have a lot of things going on and his phone has been ringing off of the hook with people who have been wanting to do business in Union City for a few years, so we have been missing some opportunities and he does not foresee us missing any more if we have the right team in place.

Ms. Smith concurred with Mayor Williams and stated that there is a process in place where they plan to interview former staff and capture their knowledge on the record as a part of their analysis.

Councilmember Robinson stated that she had the opportunity to review the proposal and it looks good and hopefully it will be good for the City's economic development and help to assist in bringing us in compliance with the rules that we may be lacking. She then asked how the firm would enhance the City's current staff's knowledge. She added that all of this would be impossible for one person to do, so she wants to be assured that the current staff will gain a lot of the firm's knowledge so that should anything happen to the firm, we are left with an employee that has gained as much knowledge from the firm as possible.

Ms. Smith stated that this information would be captured in the professional development resource guide that she plans to put together as well as working with staff personally which was a request when they interviewed for the position. She added that in her experience with Fulton County she has had the opportunity to work with many planners and helped them to develop their professional development and opportunities for them. She further added that many of them have become community development directors and even City Managers, so she feels confident that she has the ability to work with people on a professional basis and

help them to gain professional development in their career. She concluded that she has a minor in social welfare.

Mr. Hightower stated that in the City of Clarkston, the senior planner is a nice person, but was lacking in some areas, so the firm is empowering him so that one day the City may no longer need the firm. He added that some of the same is happening in Clayton County where the staff can do more on their own without the help of the firm. He concluded that when staff does better, it is better for us all.

Councilmember Mealing asked if these services should be put out for bid.

City Manager Fillingame stated that City Attorney Davenport was present to address that matter and highlight the requirements for procurement. She then asked the City Attorney to weigh in and provide guidance.

City Attorney Davenport stated that typically in bidding processing you are bidding out all kinds of services for the City and when you get to the category of professional services such as engineers, attorneys and planners, there is an exception when it is up to the Council and the Council can choose to bid it out they want to, but the Council is not required to do so because what you are trying to develop is a relationship that, some the lowest dollar bid will not provide for the City.

Councilmember Mealing stated that she wanted to be sure because people have come to the meeting suggesting that the Council was in violation with regards to the bidding process, so she wanted that on the record. She concluded that the proposal looks great.

Councilmember Robinson stated that she has heard great things about Mr. Hightower and she is expecting great things from him. She then stated that she would be checking his references and how the other municipalities have grown. She concluded that she would be very supportive of the firm because the Mayor has said that great things are coming and in order for great things to come we must have great partnerships.

Mayor Williams stated that the City Manager pointed out two options and he has reviewed the experience of the Collaborative Firm and he knows them and their work well. He added that he has reached out to some other areas where they have worked and he would never bring an opportunity before his colleagues without making sure that he vetted it properly, but the Council can certainly review them for themselves. He further added that the first option is certainly not an option and especially with some of the challenges that we have had with the current projects and those have been huge challenges and he has met with staff and other key people and we need someone who will be at the table with us to champion our way through some of these other opportunities that are on the way. He added that he is concerned with the lack thereof regarding the inability of one person to carry what is going to happen in the City. He then stated for the record that we should be making a huge announcement within the next week and that is going to be paramount to us making a decision today to move forward with firming up with what we need in that department. He then recommended moving forward with the agreement with The Collaborative Firm.

On motion of Councilmember Nealy seconded by Councilmember Mealing and carried, the aforementioned item was unanimously approved.

Councilmember Jones asked if this motion keeps our current staff member.

Mayor Williams stated, "Yes, it does".

Councilmember Jones then asked we are able to financially cover the cost of the entire Package or do we need to consider individual pieces.

Mrs. Calloway stated that this will be a cost savings. She added that we budgeted for the director's position, so we will have a cost savings with this proposal.

Mayor Williams stated that he is looking forward to working with Mr. Hightower and his entire team.

2. Council to consider State Lobbyist Relationship.

Mayor Williams stated that he met with Mr. Kip Carr, who has been a lobbyist for Fulton County for almost 10 years, and Fulton County shaved some of their staff about a year and a half ago and Mr. Carr was one of those who were cut, but many of his colleagues already know Mr. Carr who is currently on his way to the Capital and could not be here, but he has been keeping him abreast of some things and certainly a lot of the things that are coming up right now such as the City of South Fulton. He added that those are some very important things that we all need to be made aware of. He further added that this is also the type of relationship that does not have to be bidded out. Mr. Williams stated that Mr. Carr has an expertise that goes unchallenged as he is extremely knowledgeable not only about state lobbying, but on the federal level as well. He stated that he felt that with there being a shortened legislative period we need someone who is working on our behalf and he has assured Mayor Williams that he will be face to face and share daily updates if needed even though Georgia Municipal Association (GMA) provided weekly updates. He then stated that there are some things that GMA will not touch such as the creation of the City of South Fulton. He added that Mr. Carr's initial proposal was out of our range. At this time Mayor Williams recommended utilizing Mr. Carr's expertise until the end of this session and if the Council is satisfied with what he brings to the table, we can go from there. He informed the Council that Mr. Carr has informed him of a meeting regarding the City of South Fulton that has changed four times and that type of information is critical and we need to know where the meeting is if we plan to be at the table.

Councilmember Jones asked if he will be following anything other than the City of South Fulton.

Mayor Williams stated that he has charged him with making the Council aware of whatever is on the floor that impacts Union City. He added that we have not had anyone bidding on our behalf and this will give us an opportunity to be a player with the legislative process.

Attorney Davenport asked if Mr. Carr would be instrumental if this body decided to produce a local act. He further asked if Mr. Carr would shepherd that through the legislature.

Mayor Williams stated, "Yes". He added that there may be some things on this agenda that may need his assistance.

Councilmember Jones asked if we had a resolution against guns on college campuses if Mr. Carr could shepherd that through as well.

Mayor Williams stated, "Yes, he could shepherd that through as well".

Councilmember Robinson stated that Mayor Williams stated that Mr. Carr's first proposal was out of our reach so how much is the proposal now.

Mayor Williams asked the City Manager to correct him if he was wrong, but the proposal was for \$2,000.00 as the session is coming to a close.

City Manager Fillingame stated that the proposal is for \$2,000.00 until the end of the legislative session.

Mayor Williams stated that he would make sure that everyone receives a copy of the proposal, but he is comfortable because he knows Mr. Carr and his history.

Councilmember Mealing asked if all member of the Council would receive the updates.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the recommendation to enter into an agreement with Kip Carr as Union City's lobbyist for the remainder of this legislative session was unanimously approved.

Councilmember Robinson stated for the record that she never doubted that Mayor Williams had not vetted any person who comes before the Council for consideration.

Mayor Williams stated that he did not mean to direct that comment to any one in particular.

3. Council to consider Hotel Motel Tax Usage.

City Attorney Davenport led this discussion and stated that the hotel/motel tax is a very complex tax and he asked Mr. Hightower to stay around because this impacts part of what he wants to do with us. He added that if we charge a tax of 3% it is very lose about what you are supposed to do and there are no tight restrictions. He further added that once we start charging more than 3% there is a specific relationship that must be present specifically a relationship with some type of private sector/ non-profit for the disbursement of certain funding. Mr. Davenport stated that private sector/non-profit could be a chamber of commerce, a convention and visitors bureau or a non-profit corporation set up specifically for our relationship, but each of these must be designated a 501c-6. He added that the chamber of commerce and convention and visitors bureau will have that designation. He further

added that the down side to a chamber of commerce is unless it is specifically a Union City chamber of commerce, there could be a more of a regional disbursement of funds than the City would want and a convention and visitors bureau needs to be enacted through a local act of the general assembly and the 501c-6 to for a general private entity does not need any type of formation and we can form that without the legislature, but we must have the blessings from the Internal Revenue Service (IRS) which could take a period of time. Mr. Davenport stated that Union City has a tax of 5% so we must have some kind of relationship with some type of private sector/non-profit entity which we currently do not have. He added that in order to go forward in using the proceeds consistent with the law we need to determine how we want that relationship to exist. He further added that it need to be determined whether it will be a chamber of commerce, a convention and visitor bureau or some private sector non-profit entity that is created for that specific purpose like a Union City Tourism Association. Mr. Davenport stated that some jurisdictions charge up to 8% and you must have legislative enactment to support that type of taxing authority, but we are at the 5% level which is fine, but there needs to be some layer of relationship between the City and some private sector/non-profit entity and the Council need to decide which entity understanding that each one must carry a 501c-6 designation from the IRS.

Councilmember Jones stated that should the Council choose to create a Union City Tourism Association would they have to select board members to oversee the money.

City Attorney Davenport stated that whatever direction the Council chooses to go, there is a separation from Union City and it will not be 5%. He added that the City will have 3% and that 2% will be disbursed by the private sector/non-profit. He further added that they have charge to disburse the money consistent with tourism and economic development and that is a very broad category, but it must fit into that category.

Mrs. Fillingame stated that during the budget process the recommendation was to use the portion that can be used for the City to go to the general fund.

Mr. Hightower stated that one of the things that he has seen in other locations is their own local marketing. He added that they may have convention and bureau ties. He added that he has also seen some type of contract for services for a jurisdiction due to a time issue with an entity such as a chamber and then all of those dollars will stay in Union City, if it could be done legally. He concluded that have Union City designated is critical.

Attorney Davenport stated that we have been dealing with the issue of fundraising, but we have never really had an entity that is legally capable of doing fundraising and someone like a convention and visitors bureau or a Union City Tourism Board could help and even though you do not have control over the disbursement, but they can do the fundraising where it is difficult for a City to do so.

Councilmember Mealing asked how long it would take to establish a 501c-6. She added that it looks like we need to move forward because time is not on our side.

City Attorney Davenport stated that the easy part is forming an entity, but the difficult part is getting the designation from the IRS. He added that if we submitted it to them by Monday of next week, we could hear back from them in 30 days or 6 months.

Mayor Williams stated that he has done a lot of this through his church and received favor with the time and we need to look at the opportunity of continuing our concerts and other things we do for our citizens. He added that this is a way to remove the City from it. He further added that he is not in support in utilizing the chamber of commerce because they are experiences so challenges.

Mr. Hightower recommended a local entity bases upon Union City's mission.

City Attorney Davenport stated that it sounds like creating a Union City Tourism Board is the quickest way, but do not discount the relationship that the Council just entered into with Mr. Carr. He added that Mr. Carr could possibly push through a convention and visitors bureau for Union City.

After a brief discussion Mayor Williams stated that we are looking forward to having the movies and possibly the concert and with that we need to try and get this done as soon as possible.

Councilmember Jones asked if we could have a conversation with Mr. Carr and make a decision at the next Council Meeting.

City Attorney Davenport stated that if the Council waits to decide on next Tuesday during the Regular Council Meeting, and the decision is to go with Mr. Carr, we have to advertise a notice of intent to introduce local legislation which we could not advertise the week after and the legislature could not move forward until the week after that so you have lost 3 weeks.

At this time Councilmember Mealing recommended that the Council establish a Union City Tourism Association under the 501c-6 designation.

On motion of Councilmember Mealing seconded by Councilmember Robinson and carried, the aforementioned recommendation was unanimously approved.

4. Council to consider the Mayors' Bike Race.

Comptroller Tarsha Calloway led this discussion and stated that annually the Mayors' Bike Race comes through Union City and in the past this has been paid out of hotel/motel funds. She added that the amount is \$10,000.00 for the bike race. She then asked for the Council approval to continue pay for this race out of the hotel/motel funds.

Mayor Williams asked if this is the bike race that has already been advertised with Union City's name on it.

Mrs. Calloway replied, "Yes".

Mayor Williams stated that we budgeted for it so we need to move forward with it.

Council Member Mealing asked when the bike race is.

City Manager Fillingame replied, "March 15 and 16".

Councilmember Robinson asked how much money the bike race generates for the City.

Mayor Williams stated that it is not a money generator, but those are some of the things that we can talk about with the Union Tourism Association.

Mrs. Calloway stated that it could bring more revenue through the hotels if people chose to stay in Union City over night. She added that the agreement is with Georgia Spincycle. She added that the \$10,000.00 is for marketing and promotions of the City which is why it was paid from hotel/motel funds.

Councilmember Robinson stated that once we establish the 501c-6 and the concert and bike race comes next year if we could generate some funds.

Mayor Williams stated, "Yes".

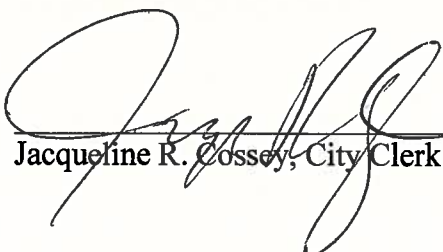
On motion of Councilmember Mealing seconded by Councilmember Nealy and carried, \$10,000.00 was awarded to Spincycle for the Mayors' Bike Race. Vote was unanimous.

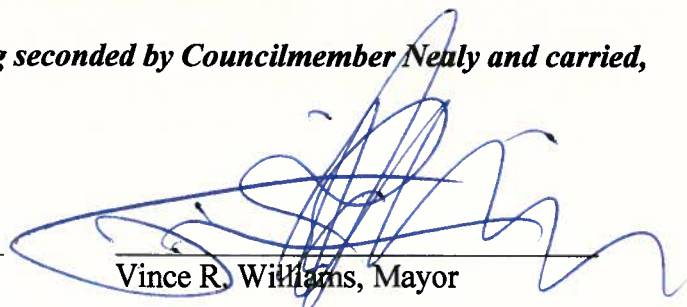
At this time City Attorney Davenport stated that he had two items for Executive Session involving pending litigation.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, Council entered into Executive Session to discuss two items regarding pending litigation. Vote was unanimous.

On motion of Councilmember Jones seconded by Councilmember Nealy and carried, Council reconvened to Regular Session. Vote was unanimous.

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


Jacqueline R. Cossey, City Clerk


Vince R. Williams, Mayor

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTIVE SESSION AFFIDAVIT

Personally appeared before me, Vince Williams, 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 10 day of February, 2014.

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 10 day of February, 2014, which was closed for the purpose(s) of 2 (two) items regarding pending litigation 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.


VINCE WILLIAMS, Mayor Pro-Tem

Sworn to and subscribed before me this
10 day of February, 2014.


Notary Public