

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, MARCH 18, 2014
7:00 P.M.

Present: Mayor Vince Williams, Councilmembers Shayla Nealy, 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 7:00 p.m. by Mayor Williams.

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Invocation by Minister Gavin Lane of Resurrection House For All Nations

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

No one came forward.

III. PRESENTATIONS/ ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

Presentation by Fulton County School Board Member Catherine Maddox

Legislative Update from Kip Carr

Kip Carr of Carr Strategies LLC provided the Council with legislative updates regarding the following items from the 2014 Session:

- House Bill 704 & Amendments (The City of South Fulton)
- House Bill 257 (Limit Income tax Credit for Low Emission Vehicle)
- House Bill 264 (MARTA)
- House Bill 265 (MARTA)
- House Bill 875 (Georgia Gun Bill)
- House Bill 60 (Georgia Fire Arms)
- Health Exchange Law (Re: The Affordable Care Act)
- Legislative Program for 2015
- House Bill 891 (Municipal Elections)
- House Bill 128 (Renaissance Fund Act)

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.

IV. OLD BUSINESS:

1. Council to consider approval of request to re-appoint Phyllis Brown to the Housing Authority Board.
2. Council to consider approval of request to appoint Tareka Peeks to the Planning Commission. (Ms. Peeks also serves on the Zoning Board of Appeals)

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, items 1 and 2 were tabled for 30-days. Vote was unanimous.

V. REGULAR/NEW BUSINESS:

1. Council to consider options regarding corrugated metal piping within Southwind Pod J, Unit 2.

On motion of Councilmember Jones seconded by Councilmember Nealy and carried, the aforementioned item was tabled for 30-days. Vote was unanimous.

VI. CONSENT AGENDA:

1. Approval of the Minutes:
Worksession Meeting, 02/18/2014
Regular Council Meeting, 02/18/2014
2. Council to consider approval of a resolution recognizing April 13-19, 2014 as Georgia Cities Week in Union City.
3. Council to consider approval to proceed with negotiations with Interdev for IT Support services.
4. Council to consider removing "Exemption K" from Section 11-33 of the Union City Soil Erosion, Sedimentation and Pollution Control ordinance.
5. Council to consider approval of a resolution supporting the Marketplace Fairness Act of 2013 without any amendments that preempt local taxing authority.
6. Council to consider approval of a request to grant the Housing Authority a waiver of its Payment In Lieu of Taxes (P.I.L.O.T.) for years 2013-2014.
7. Council to consider approval of a resolution opposing any efforts by Congress and the President to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, all items on the consent agenda were unanimously approved.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 8.6 acres located along Stonewall Tell and Southern Road from Fulton County AG-1 to Union City TCMU by Majestic Airport Center.
2. Planning Commission to consider annexing the 8.6 acres of property into the corporate limits of Union City by Majestic Airport Center.

City Planner Shayla Harris requested to address items 1 and 2 together.

The Council was agreeable.

Ms. Harris led this discussion and stated that the property is located along Stonewall Tell Road. She added that the property is currently zoned AG-1 and the petitioner is requesting to have the property rezoned to Union City Town Center Mixed Use (TCMU). She further added that the property does not have any vacant structures, but the petitioner has plans for immediate development. Ms. Harris stated that with regards to annexation, tonight's request is pursuant to the 100% method of annexation as provided by O.C.G.A.36-36-20 which requires the property to be contiguous with the City municipal boundary by at least 1/8 the aggregate boundary or fifty feet, whichever is less. She added that the subject property shares 1182 feet of property with the corporate limits of Union City which meets the fifty feet contiguity requirement of the one-hundred percent annexation method. She further added that extension of police protection, fire protection and other City services will occur immediately upon the effective date, which is April 1, 2014. She concluded that additional revenue in the form of property tax will be generated in the amount of \$467.94. She added that during their meeting on March 17, 2014 the Planning Commission recommended approval of the annexation and rezoning. She then stated that the petitioner was present for questions.

Woody Galloway of the Galloway Law Group was present on behalf of Majestic Realty. Mr. Galloway addressed the Council and stated that the survey of the property reflects 8.9 acres. He added that the property is on the north side of South Fulton, east of Derrick Road and is currently undeveloped. He further added that Majestic has built over 8 million square feet of warehouse or industrious space in Union City. Mr. Galloway stated that this proposal would bring that total to 10.8 million square feet. He added that this property is in Unincorporated Fulton County, but because of the configuration of the site, it is necessary to accommodate the building that is proposed for project Falcon. He further added that project Falcon is a development effort with a Fortune 10 company that is looking to develop a very large distribution facility and it is important to annex this property to round out the site because if they do not annex they property, they will not be able to meet their requirements.

Councilmember Jones asked if there would be a traffic light at Derrick Road.

Mr. Galloway responded, "Yes".

Public Hearing opened.

Bryon Wilson of 491 Quail Foot Run, Fairburn Georgia asked for clarity of the location of the development.

Scott Brown with Majestic Realty came forward and assisted Mr. Wilson with the location of the development.

Public Hearing closed.

At this time City Attorney Davenport stated for the record that this annexation is one whereby this is interplay with Fulton County with a 30-day window objecting and that has not really run its course, although we have received information from Fulton County that they have no plans to object. He then added for the record that the vote for the annexation to be effective as of March 31, 2014 and the rezoning to be effective April 1, 2014.

On motion of Councilmember Robinson seconded by Councilmember Mealing and carried, the aforementioned annexation was unanimously approved effective March 31, 2014.

On motion of Councilmember Nealy seconded by Councilmember Mealing and carried, the aforementioned rezoning was unanimously approved effective April 1, 2014.

City Manager Reports:

City Manager Fillingame provided the Council with the following updates:

Upcoming Events

Storm Water Open House – March 20th, 6 pm

Mayors' Bike Race – March 15th – 16th

Opening Day Baseball-April 5th, 9 a.m.

Easter Egg Celebration – April 19th, 10 a.m-1:00 pm

Employee Appreciation Day – May 15th

Departmental Initiatives

U.C. a Better U Initiative

Royal South Tire Clean Up

Personnel Policy Update

Courtware Solutions

VIII. OTHER BUSINESS:

City Manager's Annul Review

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Councilmember Robinson thanked Chief Odom for the gift given to the Council.

Councilmember Nealy enjoyed attending the newly elected officials' class. She extended prayers to the City Clerk for her recent loss, thanked staff and sponsors for an outstanding Mayors' bike race.

Councilmember Mealing thanked staff for a successful Mayors' Bike race. She added that she enjoyed the National League of Cities (NLC) Conference in Washington D.C. and she will be bringing some information regarding community policing to the City.

Councilmember Jones thanked staff. He then stated that he also attended the NLC Conference in Washington D.C. and met with delegates to discuss water infrastructure and money for improvements. He added that we need to be involved in conversations with money from the federal government. He further added that he has a few items that he would like to address at the retreat regarding grant writing and pensions.

Mayor Williams thanked department heads and staff individually for their efforts as well as City Attorney Davenport and Kim Smith with the Collaborative Firm. He then added that the community will be seeing more of the police with the community policing effort. Mayor Williams thanked Union City's Board Members and Commissions for their service as well as City Manager Sonja Fillingame. He then stated that the marriage with the new City Council is still young and divorce is not an option. Mayor Williams stated that the Council owes the City professionalism at all times. He then thanked the citizens for allowing him to serve them.

At this time City Attorney Davenport provided the Council with an update regarding the Jail. He stated that back in August of 2013, the City worked very closely with Fulton County to try and answer their need for immediate relief for inmate space and we entered into a temporary agreement until the end of 2013 to house inmates in the Jail. He added that Fulton County's duty was to go through a needs assessment and come back to see if we could enter into some type of long-term lease/purchase arrangement and that did not happen by the end of 2013. He continued stating that a short term extension was put in place until the end of February and during that time, a verbal commitment was made to go through the end of March, but we need something in writing to signify the relationship. Attorney Davenport then recommended that the Council extend the agreement to the end of April to afford them an opportunity to arrange a firm agreement in place to address all issues, not just a short term extension. He then requested Council's consideration for an extension of the Jail agreement with Fulton County up to April 30, 2014 in the form of a motion.

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

City Attorney Davenport reminded the Council of an email that he sent them regarding a delinquent water bill forwarded to him by Council for the new owner of the mall. He added that these delinquent water bills go back to 2009 and total in excess of \$50,000.00. He further added that the new owner's attorney has requested that Mr. Davenport find out if the new owner could received some type of discount.

Councilmember Nealy asked if there has been any kind of concession in the past.

City Attorney Davenport stated that the policy states that any request for a concession must come before the Council. He added that there is a local community of condominiums that came to the Council and received a concession with regards to delinquent water bills.

Councilmember Jones stated that he does not think that the new owners should be held hostage for the previous owners' bill.

After a brief discussion the Council decided to offer a 50% concession off of the water bill.

On motion of Councilmember Nealy seconded by Councilmember Mealing and carried, the Council agreed upon a 50% concession off of the new owner's water bill. Vote passed by a three-to-one vote (3-to-1). Councilmember Jones voted in opposition.

Attorney Davenport stated that he received information today from the Bond Counsel for the Banneker Bond deal which we worked with the school board back in 2011. He added that in 2013, the school board asked us to work with them to replace the trustee from the Bank of New York to the current trustee. He further added that it required adopting a resolution which they provided. Attorney Davenport stated that it has come to his attention today that the resolution, prepared by the school board of the Council to pass, has an error which leaves some duty to the Bank of New York and there was no intent to leave any duty to the Bank of New York. He added that the school board is requesting that the Council approve a resolution where the Bank of New York has no responsibility at all which was the intent when the original resolution. He further added that they are requesting this be done in the form of a letter or a resolution and we can prepare either or both. He concluded that this was an error made in the resolution in 2013 that needs to be corrected.

On motion of Councilmember Jones seconded by Councilmember Nealy and carried, the Council agreed to amend the resolution from 2013. Vote was unanimous.

At this time City Attorney Davenport stated that he had seven items for Executive Session, five involving pending litigation, one involving personnel and to review the Executive Session Minutes from February 18, 2014.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the Council entered into Executive Session to discuss five items involving threatened litigation, one personnel matter and to review the Executive Session Minutes from February 18, 2014.

On motion of Councilmember Mealing seconded by Councilmember Robinson and carried, Council reconvened to Regular Session.

City Attorney Davenport stated that he wanted to inform the Council for some general terms and conditions regarding a law suit. He added that this law suit involves Firefighter Craig and if it meets with the Council's approval he would ask for the favorable consideration. He further added that the settlement terms are as follows:

- Settlement of \$325,000
- Mr. Craig's letter of resignation (effective March 30, 2014)
- Confidentiality from Mr. Craig about the terms and conditions
- Mutual disparagement clause (both the City and Mr. Craig)
- No reinstatement of Mr. Craig
- Provide a neutral reference
- Full release of claims by Mr. Craig to the City

- Return all property
- This will also resolve all Workers' Compensation Claims by Mr. Craig

Attorney Davenport stated that if these terms and conditions meet the Council approval, he would request the Council's favorable consideration.

On motion of Councilmember Mealing seconded by Councilmember Robinson and carried, the Council approved the terms and conditions outlined by the City Attorney.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the Executive Session Minutes from February 18, 2014 were unanimously approved.

Council agreed to address the City Manager's annual review and contract during the annual retreat.

After a brief discussion the Council scheduled their Annual Retreat for May 23, 2014.

City Manager Fillingame stated that she wanted to make the Council aware that the City Engineer is outsourced and there is an extra charge anytime they are requested to attend Council Meetings.

X. ADJOURNMENT:

On motion of Councilmember Mealing seconded by Councilmember Jones 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 18 day of March, 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.

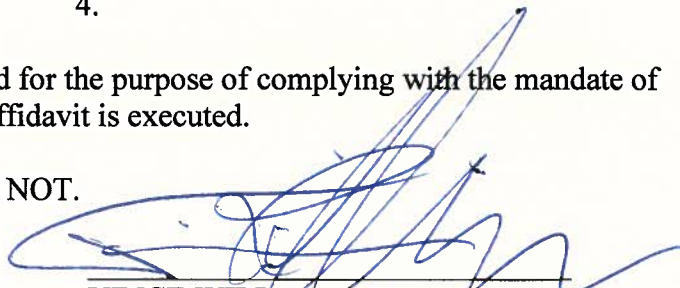
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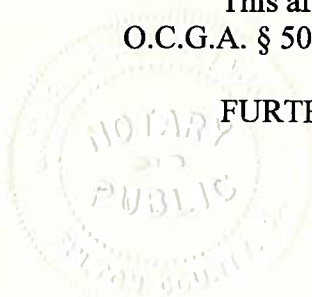
The subject matter of the closed meeting or closed portion of the meeting held on the 18 day of March, 2014, which was closed for the purpose(s) of (5) items of Pending Litigation (i) Personnel matter (i) Executive Sessions ^{Minutes of February 18, 2014} as allowed by O.C.G.A., Title 50, Chapter 14, 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 18 day of March, 2014.


Notary Public
Notary Public, Fulton County, Georgia
My Commission Expire Feb. 13, 2017