

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, MAY 20, 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 7:10 p.m. by Mayor Williams.

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Councilmember Angelette Mealing

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

Public Comments were made by the following:

- Malik El of 4005 Wetherburn Way, Norcross, Georgia spoke ill of the variance process and zoning certifications.
- Thomas Hays of 4701 Flat Shoals Road, Union City, Georgia spoke ill of the water bill rates and stormwater fees.
- Hazel Blackmon of 7806 Bell Tower Lane, Fairburn, Georgia spoke favorable about the Police Department, Code Enforcement and Union City staff.

III. PRESENTATIONS/ ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

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: None.

V. REGULAR/NEW BUSINESS:

1. Council to consider approval of a Resolution to amend the Urban Redevelopment Plan of the City of Union City.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the aforementioned item was removed from the agenda. (This item will appear on the agenda next month.)

2. Council to consider approval of an intergovernmental contract among South Fulton Municipal Regional Water and Sewer Authority, the City of Fairburn, the City of Palmetto and the City of Union City with regards to refinancing with a bond issue.

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

3. Council to consider approval of an ordinance authorizing the execution, delivery and performance of an amended and restated intergovernmental contract with the South Fulton Municipal Regional Water and Sewer Authority.

On motion of Councilmember Jones seconded by Councilmember Nealy and carried, the aforementioned item was approved by a three-to-two vote (3-to-2). Councilmembers Mealing and Robinson voted in opposition.

4. Council to consider approval of authorization to engage Digital Assurance Certification (DAC).

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

VI. CONSENT AGENDA:

1. Approval of the Minutes: Worksession Meeting, 04/15/2014
Regular Council Meeting, 04/15/2014
2. Council to consider approval to enter into a contract with the lowest bidder, C&S Construction and Consulting, for the CMAQ-Shannon Parkway Project in the amount of \$349,815.20.

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

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

1. **Public Hearing** to consider a City initiated Text Amendment to the Development Regulations: Standard Details – Collector “A” Street (Industrial and Commercial) Street Standard. ***Zoning Board of Appeals – Denial***

Ms. Harris led this discussion and stated that this was a recommendation from the Zoning Board of Appeals. She added that originally their recommendation was to deny this item; however, their concerns were addressed by Keck & Wood and Public Services and since that time amendments have been made. She then requested approval of the item.

Public Hearing opened.

No one came forward.

Public Hearing closed.

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

City Manager Reports:

City Manager Fillingame stated that she will yield to Comptroller Calloway to report on these two items.

- City Auction

Mrs. Calloway stated that the City will be conducting an auction; therefore we looked at three companies that handle governmental auctions and we are looking to move forward with GOV Deals, an online internet based auction. She concluded that per the City's policy, employees will not be allowed to bid on the items.

- Local Maintenance & Improvement Grant (LMIG) Update

Mrs. Calloway stated that this is part II of the LMIG 2013 money. She added that she has obtained written quotes due to the small dollar amount of \$16,215.36 for Peek Pavement as they have been selected and there will be a kickoff meeting next week. She concluded that there will be one additional part to spend the 2013 money, and then we will move forward to the 2014 money.

VIII. OTHER BUSINESS:

City Manager Annual Review

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Attorney Davenport stated that we addressed an issue on March 18th with regards to Union City and Fulton County school district working together for bonds for Banneker High School. He continued stating that a part of that process, there was something called a calculation agent and Bank of New York served as that agent and the request was for Union City and Fulton County School District to place Bank of New York with US Bank Association. He added that the City was asked to look at a resolution that we adopted in April 2013 and there was a minor error in that resolution where somebody could interpret that as Bank of New York was not removed of all of its responsibilities and still had some responsibilities and that is not the case. Attorney Davenport stated that Fulton County School District and Union City were asked to approve a letter stating our interpretation is that Bank of New York was removed completely with no duties and the City did so. He added that the reason that this is coming back tonight is because in his less than clear explanation on March 18, 2014, it came across as the Council voted to approve an amended resolution to that effect and all the Council really did was approve a letter explaining the City's interpretation. Attorney Davenport stated that he spoke with Bond Counsel to make sure that she is fine without an amended resolution and she wants the letter, not an amended resolution. He then stated that this is his way of saying that there will be a cross reference to the March 18, 2014 minutes to explain why there is no amended resolution.

Councilmember Robinson stated that it was nice to see so many people attend the Council Meeting and she asked everyone to come back next month. She added that she had volunteered at the Ombudsman Alternative School and it was very rewarding.

Councilmember Mealing thanked staff for everything that they do because she appreciates the staff as they make the City look good and she is proud to be a part of the Union City Team.

Councilmember Nealy also thanked the staff and stated that it is good to see so much interaction on the City's Facebook page and the website. She added that she made a call to Mr. Clark and Ms. Miller about an issue and they took care of the matter expeditiously. She further added that it is good to see so many residents engaged. She concluded that she attended a conference last week with the Young Elected Officials and it was good to see like minded people with local government ideas and talk to them about their operation. She concluded that we are stellar and it is good to be a part of a great team.

Mayor Williams stated that The House of Representatives approved the water Bill today and is expected to sail through the Senate. He added that this is a huge benefit for water reservoirs and water authorities. He then thanked the staff and expressed how successful the lunch and Jazz event was. Mayor Williams stated that he was sorry that the Easter Egg Hunt was canceled, but that was beyond our control. He added that the Annual National Day of Prayer was held on the steps of City Hall by the Resurrection House for All Nations. He further added that for those who were not aware, he was contacted by the Governor's Office and Governor Nathan Deal appointed him to one of his boards, the County and Municipal Probation Advisory Council, and he is the first African American Male to serve on this Board and he does not take it lightly. Mayor Williams thanked Teaa Allston for all of the Wellness activities and he appreciates the stellar job that she is doing. He added that the Jail Agreement has been signed.

Councilmember Jones thanked the staff and stated that Code Enforcement has done a great job removing the signs and making sure that they were put in the proper place. He added that he is sure that IT is making sure that our information is secure. He further thanked all of the candidates that ran for office and participating in the democratic process. He then announced that he and his wife are expecting their first child in October.

City Manager Fillingame thanked the staff and the Council for all of their support.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the Council entered into Executive Session to discuss three items, one involving pending litigation, one personnel matter and to review the Executive Session Minutes from April 15, 2014.

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

Council agreed unanimously that City Manager Fillingame received an, exceeds expectation, with regards to her annual review.

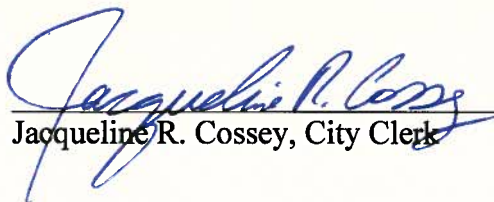
On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the Executive Session Minutes from April 15, 2014 were unanimously approved with the amendment.

City Attorney Davenport stated that he had an agreement to settle some litigation. He added that Michael Burdette was a Police Officer with the City and he has pending Workers' Comp claims and pending EEOC claims. He further added that the Workers' Comp claims are being proposed to settle for \$67,500 and the EEOC claims are being proposed to settle for \$17,500 and the standard release language and non disparagement language are in the agreement. Attorney Davenport stated that if the Council agreed with the sums for the claims, it would settle both lawsuits in their entirety.

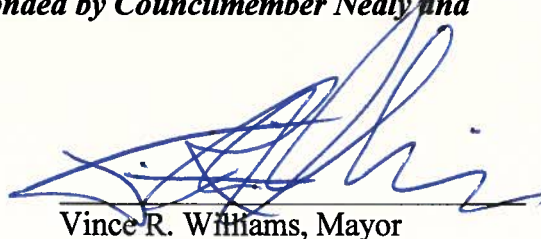
On motion of Councilmember Mealing seconded by Councilmember Nealy and carried, the Council approved the sums, terms and conditions outlined by the City Attorney to settle the Burdette lawsuits.

X. ADJOURNMENT:

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 20 day of May, 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.

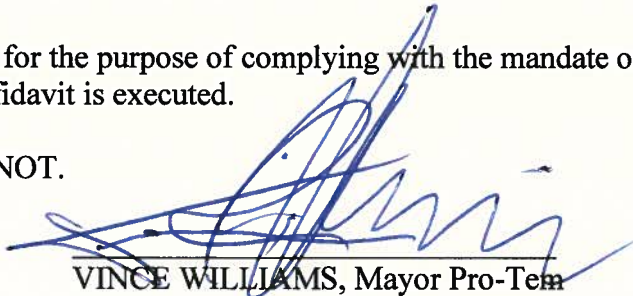
3.

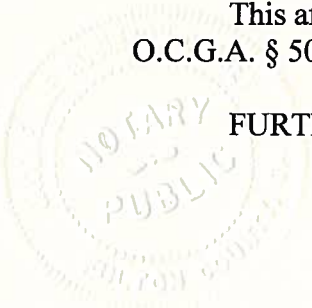
The subject matter of the closed meeting or closed portion of the meeting held on the 20 day of May, 2014, which was closed for the purpose(s) of 1 item for pending litigation, 1 item for personnel review, Executive Session ^{Minutes from April 15, 2014.} as allowed by O.C.G.A., Title 50, Chapter 14, 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 20 day of May, 2014.


Notary Public

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