

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, APRIL 15, 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 7:15 p.m. by Mayor Williams.

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Invocation by Mayor Vince Williams

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:

Proclamation in Honor of Public Service Recognition Week

At this time Mayor Williams read the proclamation aloud and presented it to City Manager Fillingame.

City Manager Fillingame accepted the proclamation on behalf of all public services employees and thanked the Mayor and Council for the recognition.

Proclamation Presented to Interfaith Children's Movement designating April as Child Abuse Prevention Month in Union City

At this time Mayor Williams presented the aforementioned proclamation to Mrs. Pamela Carn, on behalf of the Interfaith Children's Movement.

Mrs. Carn thanked the Mayor and Council and presented each of them with abuse prevention lapel pins as a small token of her appreciation.

Presentation by the Atlanta Regional Commission regarding the Community Choices Award

At this time Steven Cosby of Atlanta Regional Commission (ARC) addressed the Council and stated that in November of last year the City submitted an application for free technical assistance through the Atlanta Regional Commission. He added that over the past eight years he has worked with approximately 45 communities and helping them implement their plans. He further added that they take the plans that are on the shelf and help cities to implement them in the right way in their communities. Mr. Cosby stated that the City applied for assistance with putting together an inventory of all of its' commercial and industrial properties and this is done through technology that their research division developed which is located on an IPAD. He

added that ARC has interns that go out through the summer and take pictures of some inventory through drop down menus of certain characteristics of those commercial and industrial properties. He further added that he completed a project very similar to this, but with residential properties in Lithonia, but using the same technology. At this time Mr. Cosby introduced Marissa Gunny.

Ms. Gunny provided the Council with a worksheet reflecting an example of the results received by the City of Lithonia. She added that this tool will allow you to click on any property and it will provide a list of statistics about the property. She added that she is currently working with Ms. Harris and the Public Works Department to come up with what they will be surveying for the City's jurisdiction and it will be an innovative tool once it is done. She concluded that they will continue to work with Shayla Harris and Public Works.

Councilmember Mealing stated that she is excited about ARC working with our commercial and industrial area, but she would like to see them work on the residential area as well.

Councilmember Jones asked if it would be accessible via the website when finished.

Ms. Gunny stated, yes.

Councilmember Mealing asked if there was an anticipated date that the project will be finished.

Ms. Gunny stated that the project is done by interns so it should be finished by September.

Mr. Cosby stated that he will work very closely with the City's law enforcement as the interns will be walking around the City taking pictures and this has raised concerns in the past with citizens, but the interns will be given business cards to give out if anyone asks questions.

Legislative Update from Kip Carr

Kip Carr addressed the Council and provided an update regarding the following House Bills:

House Bill-701	Failed
House Bill-60	Passed
MARTA Bills (Both)	Passed
Medicaid Expansion Bill	Passed
Downtown Renaissance Bill	Passed

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:

At this time Mayor Williams stated that interviews were held this evening and Mr. Desmond Jones was selected to serve on the Housing Authority Board as Ms. Phyllis Brown did not wish to serve again.

Mr. Desmond Jones introduced himself and stated that he was looking forward to the opportunity to serve.

1. Council to consider approval of request to re-appoint Phyllis Brown to the Housing Authority Board.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the request to reappoint Phyllis Brown to the Housing Authority Board was unanimously denied.

On motion of Councilmember Mealing seconded by Councilmember Nealy and carried, Desmond Jones was appointed to the Housing Authority Board. Vote was unanimous.

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

Mayor Williams stated that Tarika Peeks currently serves on the City's Zoning Board of Appeals, but this does not disqualify her from serving on the Planning Commission Board.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Tarika Peeks was appointed to the Planning Commission Board. Vote was unanimous.

Ms. Peeks introduced herself, thanked the Mayor and Council and stated that she was proud to serve.

V. REGULAR/NEW BUSINESS:

1. Council to consider amending Union City Ordinance No. 2013-08 pertaining to the use of Vehicle Immobilization Devices.

City Attorney Davenport stated that he met with two representatives from businesses that utilize vehicle immobilization devices within Union City and subsequent to the passage of Ordinance 2013-08 they have encountered some issues that they would like to bring to the City's attention regarding the negative impact that they have been experiencing. He added that the business owners brought these issues to him in a meeting and he agreed to bring them before the Council and encouraged them to attend the Council Meeting to address the issues with the Mayor and Council. He then addressed the following negative impacts:

- Page 3 Paragraph (F) – The name, address, and phone number of the entity that hired the vehicle immobilization service or company.
- Page 3 Paragraph (c) – The \$150.00 fee may be paid by cash, credit card, or debit card at no additional charge. The \$500.00 fee may be paid by cash, credit card, or debit card at no additional charge.
- Page 3 Paragraph (f) – It shall be unlawful for any vehicle immobilization service, or the vehicle immobilization service’s agent, representative, employee or operator to go to any place and immobilize a vehicle unless called by the owner, owner’s agent, representative or employee of a commercial parking lot.

At this time Councilmember Robinson requested that the item be tabled for 30-days for further discussion. She then stated that she would like to hear from the business owners.

Kenny MacAway of Maximum Booting Parking Enforcement Agency and John Page of Buckhead Parking Enforcement addressed the Council. Mr. MacAway stated that both gentlemen were for the ordinance; however, some of the wording has kept them from working so he called on the City and met with the Mayor and City Attorney. He added that once he is contracted by the owners of the property to take care of the property for them, they should not be called out every time by the owner because they have already been contracted through the owner to take care of the property for them. He further added that he feels that this section should be reworded so that it states that the immobilization company can be on the property at any time to take care of the lot for the owner. Mr. MacAway stated that the booting company needs to be able to be on the property at any given time rather than being called by the property owner when they already have a contract.

Councilmember Robinson asked Mr. MacAway for his staff’s shifts.

Mr. MacAway stated that his business runs 24/7 from the North to the South. He added that he handles over 150 locations all over Metro Atlanta including Ingles, Wal-Mart and Hobby Lobby to name a few.

Councilmember Robinson asked if he had to be called.

Mr. MacAway stated that someone is on the site at all times on every shift.

Councilmember Mealing stated that she is concerned that people, who are parking and patronizing businesses, are being preyed upon.

Mr. MacAway stated that problem is with the big trucks and they are coming in and they are not shopping. He added that out of a possible ten trucks, one may be shopping. He further added that truck drivers are using the lots as their personal parking place to park their trucks and go to sleep. Mr. MacAway stated that the old Wal-Mart lot is different as the truck drivers were parking their trucks and leaving the premises and going to restaurants off site. Mr. MacAway added that in the Mall

parking lot truck drivers are going to the hotels and leaving their trucks behind, so each lot has different issues.

Councilmember Robinson asked if Mr. MacAway contracts with Wal-Mart.

Mr. MacAway stated that Mr. Page actually contracts with Wal-Mart.

Councilmember Robinson asked to hear from Mr. Page.

Mr. Page stated that he started out in Marietta, but when he came to Union City, Wal-Mart needed his services, so he contracted with them.

Councilmember Robinson asked Mr. MacAway and Mr. Page for the names of companies that they contract with.

Mr. MacAway stated that he contracts with The Rooker Company and The Dinnerman Group.

Mr. Page stated that he contracts with Walmart, Fit for Life and The Dinnerman Group.

Councilmember Robinson asked how many boots are being administered per week.

Mr. Page stated that he does not administer any in Union City since January because of the way the police department is interpreting the wording of the booting ordinance with regards to the owner having to call the contractor for each parking violation. He concluded that the Police Department shut his business down.

Mr. MacAway stated that he is experiencing the same issues.

Councilmember Robinson asked if the two men had a problem with the ordinance because they were unable to work.

Mr. Page stated that he did not have a problem with the ordinance, but it was the way the Police Department was interpreting the ordinance.

Councilmember Robinson stated that the Police Department interprets the ordinance the way that Council writes it.

Councilmember Jones stated that he wanted to make a motion with amendments to the booting ordinance.

Councilmember Robinson stated that Union City wants business and we are on the move, but as a member of the Council she is opposed to being dictated to by the booting companies. She added that she had a problem with anyone who wanted to make a living from the City to criticize the ordinance and for that reason she wants to table the matter for 30-days.

Councilmember Jones stated that in light of the discussion, he would like to recommend changes to each section to rectify the problem. He added that in

Paragraph (F) he would like to remove the phone number, Paragraph (c) fees may be paid by check, cash, credit card or debit card and Paragraph (f) representative or employee may go to any place to immobilize a vehicle unless contracted and/or called by the commercial property owner. He added that he would like to proceed with this if it satisfies the request.

Councilmember Mealing reiterated that she does not want the people to be preyed upon by the booting companies.

Mayor Williams concurred with Councilmember Mealing. He added that we have an issue with the appearance of preying on the public and the booting companies need to be extremely mindful of that as well as playing police officers.

Councilmember Robinson stated that she wanted to table the matter for 30-days because she was upset and disturbed and could not be fair at this time and she wants to be fair.

Councilmember Nealy stated that this matter was brought before the Council for consideration in December and tonight Councilmember Jones made recommendations to amend the booting ordinance.

City Attorney Davenport stated that Councilmember Robinson had a motion on the floor that needed to be addressed.

Councilmember Robinson motioned to table the matter for 30-days seconded by Councilmember Mealing. The motion died due to the lack of support. Councilmember Nealy, Councilmember Jones and Mayor Williams voted in opposition.

City Attorney Davenport stated that the motion to table the matter was defeated; therefore, the discussion can continue.

After a brief discussion on the three aforementioned areas of concern raised by the City Attorney the Council agreed to the following amendments to the booting ordinance:

- Page 2 Paragraph (D) A statement that cash, checks, credit cards and debit cards are accepted for payment.
- Page 2 Paragraph (E) A statement that no additional fee will be charged for use of cash, checks, credit cards, or debit cards.
- Page 3 Paragraph (F) The name and address of the entity that hired the vehicle immobilization service or company.
- Page 3 (G) The phone number referenced in paragraph (C) above must be operable and answered in person during the hours a vehicle immobilization device is affixed to a vehicle within the City.

- Page 3 Paragraph (c) The \$150.00 fee may be paid by cash, checks, credit card, or debit card at no additional charge. The \$500.00 fee may be paid by cash, checks, credit card, or debit card at no additional charge.
- Page 3 Paragraph (f) It shall be unlawful for any vehicle immobilization service, or the vehicle immobilization service's agent, representative, employee or operator to go to any place and immobilize a vehicle unless under contract with and/or called by the commercial property owner.

On motion of Councilmember Jones seconded by Councilmember Nealy and carried, the aforementioned amendments were made to vehicle immobilization ordinance No. 2013-08. Motion passed on a three-to-one (3-to-1) vote. Councilmember Robinson voted in opposition.

Councilmember Mealing stated that she wanted to make sure that the perception that the public is being preyed upon is not there and the Police Department will be the Council's eyes to ensure that this is not the case. She added that she is elected by the citizens and she listens to them so she is hoping that the complaints do not go through the roof once the amendments have been approved by the Council. She concluded that if there are a lot of complaints, the Council may have to look at it again more closely. She further added that this ordinance was not written just for these two booting companies, but for all booting companies who wish to do business in the City.

Mr. MacAway stated that his company comes in, does their job and leaves. He added that he does not prey on the public because he has to go to the next location to take care of his other customers, but he will come back if needed.

VI. CONSENT AGENDA:

1. Approval of the Minutes:
 - Worksession Meeting, 03/18/2014
 - Regular Council Meeting, 03/18/2014
2. Council to consider contracting with the Georgia Department of Transportation to relocate the City's sanitary sewer as part of the Buffington Bridge replacement project.
3. Council to consider approval of a Resolution from the Georgia Department of Transportation pertaining to replacing the existing bridge at Buffington Road/CR 1385 and Morning Creek Tributary in the City of Union City
4. Council to consider contracting with Georgia Power to relocate their distribution facility as part of the Buffington Bridge replacement project.
5. Council to consider request to apply for the Governor's Office of Highway Safety (GOHS) Grant.
6. Council to consider options regarding corrugated metal piping within Southwind Pod J, Unit 2.

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

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a Text Amendment by adding the “Adult Daycare” use to the R-1 Single Family Residential Zoning District, as a Conditional Use, by Anthony Wright, Sr. ***(Planning Commission Recommendation – Approval)***

City Planner Shayla Harris led this discussion and stated that the Planning Commission met and discussed adding the Adult Daycare use to the R-1 Single Family Residential District. She added that with regards to the use itself, Office and Industrial, Neighborhood Commercial and General Commercial are the districts that already allow for Adult Daycares. She further added that she did not find that this use would cause any detriment to the zoning district and that it will only further the list of services to residents in the district of which they live. Ms. Harris stated that staff is asking that should the zoning be allowed for this district, that it will also be allowed for the Single Family Districts across the board. She then informed Councilmember Jones that she had the definition of Adult Daycare which he requested during the Worksession. She then provided the definition of “Adult Daycare” and stated the following: The provision of any organized program of services protective in nature for adults which is offered by less than 24 hours per day including supervision, provision of meals, self care, planned and unplanned social and recreational indoor and outdoor activities and assistance with medication. She concluded that there is no definition with regards to the age. She added that during their March meeting, the Planning Commission recommended approval of the item.

Public Hearing opened.

No one came forward.

Public Hearing closed.

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

City Manager Reports:

- Inflow and Infiltration I & I Project Update

City Manager Fillingame stated that the City contracted with Keck & Wood to assist with this effort. She then introduced Mike Moffett of Keck & Wood for a brief update.

Mr. Moffett addressed the Mayor and Council and provided a brief update. He stated that flow meters were placed in the City’s sewer system that determine that the most excessive Inflow and Infiltration (I & I) problems were in an area west of Roosevelt Highway, north of Jonesboro road and south of Flat Shoals Road. He added that he placed 13 additional flow meters in that particular area to measure the flows between July and October of 2013 and analyzed those records to help identify what particular

sewers in that area were the most problematic. He further added that he learned that the average daily flow for that area for Union City is approximately 77% of the flow and Fulton County's flow is approximately 23% of the flow, but Union City is being billed from the County for 100% of the flow. Mr. Moffett stated that he met with the County on Monday and explained the concerns about the matter and the County is going to provide some more billing data details to the City to evaluate and make sure that the information is accurate. Mr. Moffett continued reporting that the heavy rainfall in that area seems to indicate that a good bit of the rain induced flow is coming from Fulton County's sewers and the County is considering adding a sewer rehabilitation project to their sewers in this area within the next year. He concluded that he is going to be doing some more testing to the sewers in this area and he will be focusing on public sewers in the vicinity of Shannon Boulevard, Shannon Parkway, Oakley Road, Flat Shoals Road and the Buffington Road area. He added that this will not include private sewers and the City may want to ask the property owners to conduct the testing for those areas. He further added that this testing should be finished in the next three months and the results of that testing should allow him to generate a list of recommended sewer improvements that can be completed to reduce the I & I. Mr. Moffett stated that this list should be presented to the City by the end of September.

At this time City Manager Fillingame introduced the following new staff members:
Ashley Minter, Operations Coordinator
Trey Bennings, Information Technology

VIII. OTHER BUSINESS:

1. Council to consider appointment of Antonio Andrews to the Zoning Board of Appeals.

On motion of Councilmember Nealy seconded by Councilmember Mealing and carried, Antonio Andrews was appointed to the Zoning Board of Appeals. Vote was unanimous.

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Councilmember Robinson thanked the City Manager and the staff. She added that the staff made the Mayor and Council proud with the tour today. She concluded that she is committed to protecting the City employees.

Councilmember Mealing thanked the staff for a great job. She then stated that baseball opening day was a great success. Councilmember Mealing thanked Coach Lee Blicht for a job well done. She then reminded everyone of the Easter Egg Hunt coming up on Saturday, April 19. She also reminded everyone of the Statewide Election coming up on May 20th and to get out and vote.

Councilmember Nealy stated that she enjoyed opening day for baseball. She then congratulated the newly appointed board members and gave a warm welcome to the new employees.

Councilmember Jones thanked the staff for their collaboration and putting on the events for Georgia Cities Week. He then thanked Chief Odom and Chief Leasher for applying for grants to assist the City in our efforts to improve. He stated that he was looking forward to the Mayor's Opening on May 1st.

Mayor Williams stated that we had a great event planned for stormwater with a disappointing turnout, but in spite of that the staff was excellent. He added that staff makes the Council look good because staff does the planning. He further added that the Council received a thank you card from Councilmember Robinson during her illness and the Council is blessed to have her. Mayor Williams stated that the parade, Baseball Opening Day, Voter Education session and Hometown Connection were awesome and we have embarked on a whole new level in Union City where we are able to do the things that mean something to this community. He informed the staff that they were amazing. He concluded that people are watching Union City.

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

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

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

City Attorney Davenport stated that there was a lawsuit filed against the City by an employee, Mr. Fisher. He continued stated that it was a lawsuit over allegations of violation of the Fair Labor Standards Act and the City's Attorney and the Attorney for Mr. Fisher have proposed a settlement with the end result being the lawsuit will be dismissed with prejudice. He added that this is Brian Fisher and this is Federal Court. He further added that the terms and conditions for Mr. Fisher to dismiss this suit with prejudice and to release all claims that he may have against the City is for the City to pay him the amount of \$24, 227.21 which is broken down into various components. Attorney Davenport stated that \$2,731.09 less taxes is for alleged unpaid wages and liquidated damages in the like amount which you get under the Fair Labor Standards Act for these claims and \$2,765.03 less taxes for disputed State law claims and \$16, 000.00 for attorney fees. He stated that this will require court approval. He then asked for direction from the Council.

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

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

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the City Manager's contract was unanimously approved.

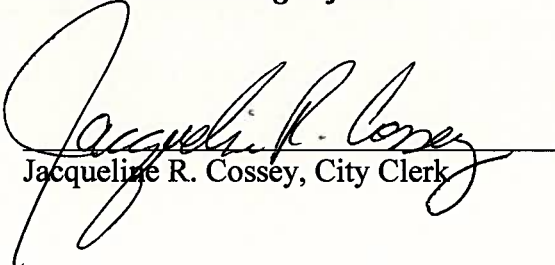
Councilmember Mealing stated that she would still like to perform an annual review for the City Manager which was due back in March as she feels the need to provide feedback.

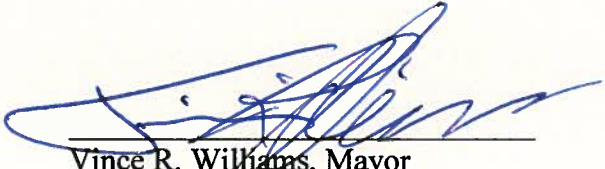
City Manager Fillingame stated that she welcomes feedback from the Council.

Councilmember Robinson expressed that she was very proud of City Manager Fillingame even while serving as interim City Manager. He added that Mrs. Fillingame shows great leadership and she has her unwavering support.

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