

UNION CITY MINUTES  
WORKSESSION MEETING  
TUESDAY, APRIL 15, 2014  
6:30 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 6:30 p.m. by Mayor Williams.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:
- II. MEETING OPEN TO THE PUBLIC TO DISCUSS ITEMS NOT ON THE AGENDA (2 MIN.)
- III. PRESENTATIONS/ ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

Proclamation in Honor of Public Service Recognition Week

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

Presentation by the Atlanta Regional Commission regarding the Community Choices Award

Legislative Update from Kip Carr

***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 Tarika Peeks to the Planning Commission. (Ms. Peeks also serves on the Zoning Board of Appeals)
- 3. Council to consider options regarding corrugated metal piping within Southwind Pod J, Unit 2.

Senior Planner Shayla Harris led this discussion and stated that this item was on the agenda last month and was tabled for 30-days. She added that since that time she has reviewed the ordinance adopted during the annexation and found that the development is consistent with the ordinance; therefore, staff is asking that the ordinance in question remains as is so that the developers can move forward with the project.

At this time Councilmember Brian Jones recommended that corrugated metal piping remain in Pod J, Unit 2 within the Southwind Development.

This item was added to the consent agenda.

V. REGULAR/NEW BUSINESS:

1. Approval of the Minutes:                      Worksession Meeting, 03/18/2014  
  Regular Council Meeting, 03/18/2014

No corrections were made to the Minutes.

The Minutes were added to the consent agenda as written.

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.

Public Services Director Cedric Clark led this discussion and stated that the purpose of this item is to request Council approval for staff to move forward with a contract with the Georgia Department of Transportation (GDOT) to relocate City sanitary sewer as a part of the Buffington Road replacement project. He added that the Buffington Road Bridge is a deficient bridge, based on the last GDOT report, and the City has been working with the State for the past four years to move forward with this project to replace this deficient bridge. Mr. Clark stated that the project has been LET to construction and the Department of Transportation would like the City to enter into this agreement in the amount of \$122,994.00 to relocate the City owned sanitary sewer. He concluded that staff was seeking Council's approval.

Councilmember Jones asked if we would be in a position to allow truck traffic to return over the bridge if we rebuild it.

Mr. Clark responded, "Yes Sir".

Councilmember Mealing asked if we had the money in our budget to fund this project.

Mr. Clark responded, "That is correct". He added that he coordinated with finance and we are within budget.

This item was added to the consent agenda.

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.

Mr. Clark also led this discussion and informed Council that GDOT also requires the execution of a separate resolution as a part of the previous contract.

This item was added to the consent agenda.

4. Council to consider contracting with Georgia Power to relocate their distribution facility as part of the Buffington Bridge replacement project.

Mr. Clark led this discussion and stated that as a part of the same project, Georgia Power is asking the City to participate in relocating Georgia Power facilities according to the franchise agreement. He added that they are requesting reimbursement of 78.11% of the estimated cost of relocation which is \$128,146.00 for relocation of their distribution facility.

Councilmember Jones asked if the entire project would cost the City approximately \$250,000.00.

Mr. Clark responded, "\$251,140.00."

Councilmember Jones asked the Comptroller, Tarsha Calloway, if we had the funds available.

Mrs. Calloway responded, "Yes."

This item was added to the consent agenda.

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

Mr. Davenport stated that he met with representatives from two different booting companies operating in Union City and regulated by this ordinance. He added that they met back on April 2<sup>nd</sup> and the reason for the meeting was due to three different issues in the current ordinance that the booting companies want the Council to consider changing. Mr. Davenport stated that the three issues are as follows:

- Page 3 Paragraph (F) – The name, address, and phone number of the entity that hired the vehicle immobilization service or company.

Attorney Davenport stated that this is a part of the requirement where certain information is posted on a sign in the parking lot. He added that their comment to the City is that their information is on file with the City and having it on the sign promotes calls to the owners at two or three o'clock in the morning for no good reason.

- 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.

Attorney Davenport stated that their comment for this language is the requirement for them to accept credit cards. He added that the big problem they are having is with semi trucks and requiring them to accept credit cards because the truck drivers will provide the credit card and call the credit card company to dispute the charge and it takes them months to get their money. He then provided the Mayor and Council with checks from the trucking company, that everybody in the trucking company has, and the booting companies will accept company checks in lieu of credit cards.

Mr. Davenport stated that the booting companies would like to see the ordinance amended so that they are not required to accept credit cards, but will accept various checks from the trucking company.

- 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.

Attorney Davenport stated that one reasonable interpretation is that before the booting companies can boot a vehicle, the owner of the property has to call them and tell them that there is a problem on the property. He added that at three o’clock in the morning, the owner of the property is not going to be on the site, but the contractors are there and they see the parking violations and have a contract with the owner of the property, but an interpretation of this language could require them to refrain from booting because they were not called by the owner of the property. He further added that another interpretation is that the initial contract between the owner and the booting company represents the phone call which allows the booting company to come out and boot a vehicle. Attorney Davenport stated that there are two interpretations that are working against each other. He concluded that the booting companies have requested that the Council reconsider this language.

Mayor Williams stated that the property owners hire these companies to do their business.

Attorney Davenport stated that this is correct because at three o’clock in the morning, the owner of the property is not there to call anyone because they have already entered into an agreement with the booting companies who are already on site.

Councilmember Robinson stated that she has some real concerns and the first time that this came before Council she was new and did not quite understand how the immobilization devices work. She added that the item came back again and the Council reviewed the ordinance to address the booting companies’ concerns. Councilmember Robinson stated that she is concerned that the booting companies are telling the Council what to put in the ordinance to accommodate them. She further stated that the Council was concerned about the booting companies sitting around and preying on customers and booting their cars when customers were patronizing businesses in the City. She added that if the owner is concerned about the booting, that concern is between the booting company and the owner. Councilmember Robinson stated that she would like for someone to explain to her, how that affects the City. She continued stating that the Council should not be able to decide how the booting companies will be paid. She further added that the booting companies are trying to tell the Council how to write the ordinance so that it accommodates them and to her, it looks like a damn scam. Councilmember Robinson stated that she does not like the way that it is done or how it feels and she is annoyed with a company telling a City how they should take care of their business. She added that if the property owner does not want to be disturbed at three o’clock, he should not hire the booting company and if the owner is annoyed he can call 911 and the person will be ticketed and that will deter them from parking illegally again. Councilmember Robinson stated that the

private booting company is making \$500.00 every time the truckers park, but the truck driver has to deliver his load, he has to eat and he has to go to the bathroom and in between his eating and unloading, he gets booted, so it is a scam. She added that the booting companies are asking for all of these considerations and they do not even have a business license. She further added that the only thing the City is getting is the booting companies request to reword the ordinance to accommodate them. Councilmember Robinson stated that the only person who benefits from rewording the ordinance is the booting people and they are also making all of the money. She concluded that the booting companies are just using the City.

Councilmember Mealing asked for clarity with regards to the issues that the booting companies would like the Council to address.

City Attorney Davenport reiterated the three items previously outlined.

Councilmember Mealing stated that the only item that she takes issue with is Page 3 Paragraph (c). She then stated that most businesses accept cash, credit card, debit card and checks and she does not want to limit it just for the booting companies. She added that she would like to add all currencies. She further added that we should not limit ourselves to cash, credit cards and debit cards, because this is what the booting companies want, but she would like to see all currencies utilized. She concluded that if it was her car, she would like the ability to use whatever currency it takes to get her vehicle and that is just being fair. She then added that the Council should not get involved with what kind of checks should or should not be used, but we should just accept all of them.

Councilmember Jones requested information regarding the information of the owner listed on the signs because it seems that the owners, in another state, do not want to be called in the middle of the night.

City Attorney Davenport stated that he was bringing Council issues that were brought to his attention and that he is not advocating in their defense. He then stated that the way it was described to him was that the calls are being made at three o'clock in the morning and the property owners received many nuisance phone calls and he can understand that being an issue. He concluded that how the issue is handled is up to the Council.

Councilmember Jones stated that his remedy to Page 3 Paragraph (F) would be to have the name and address only, not the phone number of the owner listed on the signs. He added that for Page 3 Paragraph (c) he agrees with Councilmember Mealing to accept cash, credit cards, debit cards and checks. He further added that for Page 3 Paragraph (f) he interprets this language "unless called by the owner, owner's agent, representative or employee of the commercial parking lot" as being called by the owner because the booting company has a contract with the owner.

City Attorney Davenport stated that the recommendation was not to strike it out, but to recognize that the presence of a contract is enough of a relationship to perform that activity. He added that the interpretation seems to be that the owner has to call them for every vehicle that pulls into their parking lot which is a reasonable interpretation based upon the wording and that causes a problem.

Councilmember Jones recommended altering the wording to state unless called by the owner or contracting agent.

Councilmember Nealy stated that it states owner's agent, so the booting companies are serving as the owner's agent.

City Attorney Davenport was in agreement.

Councilmember Mealing asked Police Chief Odom for his views surrounding the item.

Chief Odom stated that his concerns remain the same that the booting companies are sitting and surveiling the property regardless of whether it is a commercial vehicle or not. He added there was an outcry from mostly commercial vehicles parking in the daytime with booting companies surveiling the parking lots and when these people walk in the stores to patronize the establishments, they are being booted. He concluded that if we are going to change the ordinance that we should consider changing the cap or cleaning the language up in such a fashion that identifies either the property owner or their designee. He stated that security at Wal-Mart is 24/7 and if someone is illegally parked there, they will call whoever they contract with to enforce their parking regulations. Chief Odom stated that we need to consider the public safety need aspect of this issue.

After a brief discussion, Mayor Williams utilized his executive privilege and placed this item on the regular agenda to revisit it during the Regular Council Meeting as this was not an item for consent.

6. Council to consider request to apply for the Governor's Office of Highway Safety (GOHS) Grant.

Chief Odom led this discussion and stated that he has been eagerly eliciting and seeking grant funds that are available to us as a municipality and we have partnered with the Governor's Office of Highway Safety for many years. He added that they have a short list of federal funds that are available and he wants to apply for a H.E.A.T. Grant. He concluded that tonight he is asking for approval from this Board to proceed with the application process.

Councilmember Jones asked if there is a length of time that the City has to keep the officer.

Chief Odom stated that this is a three year grant; however, over the past eight years, those grants have never run their three year term due to the economy. He added that he is being cautioned by the financial planner from the State to plan the implementation in such a fashion that we can do it on a twelve month basis.

This item was added to the consent agenda.

VI. CONSENT AGENDA:

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 stated that this item was approved by the Planning Commission. She added that the use that they are proposing is not something that is a cause for concern for the R-1 District. She further added that staff recommends that if this item is approved, it is more uniformed for all single family districts.

Councilmember Jones asked if there was a definition for the term “Adult Daycare” and if there was an age requirement.

Ms. Harris stated that she would check the ordinance and have an answer at the Regular Council Meeting later this evening.

Councilmember Mealing asked which agency makes sure that this type of business is in compliance.

Ms. Harris stated that she has spoken with an individual who work with the State and the issue is there is no licensing required for Adult Daycares.

Councilmember Mealing stated that she is really concerned about Adult Daycares because she knew that the State did not have any regulations yet and she is afraid that there will be several Adult Daycares in the City and senior citizens will be mistreated. She further added that she does not want anyone’s love one to be mistreated because the State does not even have guidelines right now. Councilmember Mealing added that there is no agency to close the Adult Daycares down if they are not in compliance and the legislature needs to deal with that, but she is really concerned about this.

Ms. Harris stated that the City allows Adult Daycares in other districts, but not in our residential districts. She concluded that it is allowed in the City’s Neighborhood Commercial, General Commercial and Office and Industrial Districts.

City Manager Reports:

- I&I Project Update

VIII. OTHER BUSINESS:

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

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

X. ADJOURNMENT:

*There being no further business the meeting adjourned.*