

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 16, 2014
7:00 P.M.

Present: Mayor Vince Williams, Councilmembers Shayla Nealy, Brian Jones, Angelette Mealing and Joyce Robinson, City Attorney Dennis Davenport and City Clerk Jacqueline R. Cossey

Absent: City Manager Sonja Fillingame

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 led 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:

- Dominique Huff of Red Oak, Georgia spoke with regards to MARTA routes
- Cathy Villard of 4701 Flat Shoals Road spoke with regards to the plans for the Mall

III. PRESENTATIONS/ ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

- Presentation by Michael Hightower and The Collaborative Firm regarding Community Development

This item was addressed during the Worksession

- Presentation of Retirement Plaque to Ricky Smith

Mayor Williams presented Ricky Smith with a retirement plaque for 38 years of service.

The presentation was followed by a photo with the Mayor and Council.

- Presentation of Tomorrowworld Proclamation to Carl Bouckaert

Mayor Williams presented Hugh Lochore and Michiel Beers with a proclamation on behalf of Tomorrowworld.

The presentation was followed by a photo with the Mayor and Council.

- Presentation to Finance Director Tarsha Calloway with the CAFR Award

Police Chief. She added that this will serve as a filling of a vacancy for the Roosevelt Highway location at 6687 Roosevelt Highway and staff recommends approval.

Public Hearing Opened.

No one came forward.

Public Hearing Closed

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

2. Council to determine if interest and penalties will be waived for Kellogg.

Finance Director Tarsha Calloway led this discussion and stated that the City received a request from The Watters Law Firm requesting to waive the penalties and interest for tax years 2012 and 2013 for Kellogg. She added that the Council was provided with a series of conversations between City staff and Kellogg throughout the course of the year. She concluded that staff recommends that we do not waive penalties and interest.

Mayor Williams stated that there was some confusion and Kellogg was contacting the County rather than the City.

Mrs. Calloway confirmed that the Mayor was correct. She added that once Kellogg contacted the City, they were provided all of the necessary information and determined that the real estate portion had not been paid, but the personal property taxes were paid.

Mayor Williams asked Mrs. Calloway for the City's response to the general public when matters of this nature occur with regards to their home taxes.

Mrs. Calloway stated that we do not waive the interest and penalties.

Councilmember Mealing stated that she would like to stick to what we are accustomed to. She concluded that she is not in support of waiving the interest and penalties and would like to stick to our usual policy.

Councilmember Nealy asked if Kellogg was in contact with anyone outside of the documentation that was presented to the Council.

Mrs. Calloway responded, "Not that I am aware of. It has been mostly with Ms. Horne."

At this time Kevin Watters, Attorney for Kellogg, addressed the Council and stated that Kellogg is a great corporate citizen and we all love Kellogg cereal. He argued that his client made repeated requests to get a tax bill and when they received it, they paid it. He continued stating that Kellogg does not delay in paying its taxes. He then stated that the municipal code of Union City allows for penalties to be waived when it is shown that the failure to pay was due to reasonable cause and not due to willful neglect or disregard of the law. Mr. Watters stated that he would trust that this Council would waive the fees if a citizen came in and showed that they made a good faith effort, had paid a significant amount of other taxes owed and when they found out that additional taxes were owed; they paid them fairly quickly. He added that he wanted to point

out a couple of discrepancies specifically with regards to the penalties because penalties are meant to defer and there is obviously no need to defer for Kellogg because they are going to pay once they get the bill. He further added that he has yet to receive a bill with no penalties although there has been talk that one was sent. He continued stating that he logged on the Union City's website and pulled up the roll for late taxes for 2013, this property is not listed on the roll, yet the tax bill that was provided to his client in May has a deficiency from 2012 in the amount of \$15,000. Mr. Watters stated that if taxes are owed for 2012, they would have been on the deficiency property list and if his client had checked that list they would have had no way of knowing when those taxes were owed. He added that he also checked the list on January 18, 2014 and the list should have had the \$172,301.76, but instead it listed an amount due of \$119,000 and he does not know what that represents because it is not on any of the bills. He further added that he does not know if there was a mistake, but he was not here to point blame. Mr. Watters stated that his client was doing the best that they could to find the tax bill and as soon as they found it, they paid it. He further added that there are some circumstances and given these circumstances he believes that the Council should show some leniency especially with regards to the penalties. Mr. Watters stated that he would like to point out that this is a much larger amount because 10% on Kellogg is a lot more than 10% on someone's house. He added that Kellogg also employs a lot of the public and provides jobs which help them to provide for their families. He concluded that Kellogg is a good corporate citizen who obviously did not intend to avoid paying their taxes. He reiterated that Kellogg paid the personal taxes and as soon as they received a bill, they paid the real estate taxes, but are disputing the penalties. He then pleaded with the Council to look at the code and ask if there was willful neglect or disregard because he does not see any evidence of that regardless of whether a bill was sent and lost, there was no disregard so the code allows the Council to waive the penalties and interest.

Mayor Williams stated that he is not saying that was willful disregard or with intent, but if you know that you owe something and you have not paid it, you have to ask yourself if that is negligence or willful disregard. He added that he is not an attorney but if he does not pay his mortgage or utilities because he could not find the bill or no one sent a bill, the creditors will still come after him for the bill as well as penalties and interest. He then suggested a payment plan to assist Kellogg with making payments because the Council has done this before to assist some of our citizens. He concluded that this is the best that he can offer because the people have elected him to do their business and if he does this for Kellogg he has to do it for others.

Councilmember Robinson stated that Kellogg is a big company and even as a member of the City Council, if she misses payment of her water bill, she will be cut off. She added that the City appreciates Kellogg's business, but the City also appreciates the residents of Union City. She then concluded that Kellogg owes and should pay like everyone else. She added that Kellogg has been in Union City for many years and they know the difference between Fulton County and Union City.

Mr. Watters stated that this should not be a debate over a big business versus the general public. He added that Kellogg loves the general public and employs the general public and pays a significant amount of taxes in the County and they are not a bad corporate citizen.

Councilmember Robinson reiterated that Kellogg has been in Union City for a long time and they know the difference between Fulton County and Union City. She added that sometimes people are late, but penalties are placed on everybody that is late. She further added that it is not a matter of whether Kellogg can afford to pay the penalties and interest, but it is a fact that they were late and penalties and interest are due.

Mr. Watters stated that while he can appreciate that, he would like to reiterate the fact that if his client had gone to the City's website on January 18, 2014 and pulled the list of delinquent taxes, there is a number that does not correspond with any bill that was ever issued to his client. He added that to be fair his client would at least request that the penalties be waived because they are unnecessary as they made a good faith effort to find out the amount that was owed.

Councilmember Mealing asked Mrs. Calloway to address the issue with regards to the discrepancy with the amount of taxes owed.

Mrs. Calloway explained that there was an appeal on the property and the property tax was settled and when we get the information from the County, we re-bill and that is why it was not listed as 2012 being delinquent because they were paid at that time. He added that once the appeal was settled the value went up and at that point they had only paid 85% so they had to pay the rest of the money plus any penalties and interest because the County gives the option to pay 100% or 85% and Kellogg paid 85% which is where the discrepancy is and why it was not on the list.

Mr. Watters stated that this body has the ability to have some leniency and to waive the penalties because the Code allows for it.

Mayor Williams asked Mrs. Calloway for the total amount owed by Kellogg.

Mrs. Calloway stated that Kellogg owes \$30,068.83.

After further discussion the Council agreed that Kellogg should pay their penalties and interest.

On motion of Councilmember Nealy, seconded by Councilmember Mealing and carried, Kellogg was instructed to pay their penalties and interest, in the amount of \$30,068.83, in one payment by the end of the month.

VI. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

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

At this time Mayor Williams stated that a representative from Majestic was present during the Worksession and request a 30-day deferral for both items.

On motion of Councilmember Mealing, seconded by Councilmember Jones and carried the request to defer the two aforementioned items were deferred to the October 21, 2014 Council Meeting. Vote was unanimous.

City Manager Reports: None.

VII. OTHER BUSINESS: None.

VIII. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Mayor Williams stated that he hopes that the City Manager is enjoying her time away as she and her family has received great news and this is a time for them to celebrate and decompress.

Councilmember Nealy thanked the staff and congratulated Ricky Smith again on his retirement. She also thanked Ms. Villard for her comments.

Councilmember Jones stated that the information from The Collaborative Firm was very helpful and he is looking forward to further discussion surrounding Community Development for the City specifically the Mall and the Parkway and maybe some fee schedule changes will also help the City. He then thanked staff and wished City Clerk Cossey and Finance Director Calloway a happy belated birthday.

Councilmember Mealing thanked everyone for coming out as well as Ms. Villard. She then acknowledged the Parks and Recreation Program as the football season has begun. Councilmember Mealing thanked the staff and the Finance Director for doing a great job. She concluded that we want to build a better Union City than before as we move forward. She then congratulated Pastor Chika Onuzo from Resurrection House on the Church Anniversary. She further thanked The Collaborative Firm for providing some helpful information. Councilmember Mealing stated that the City is looking good coming down the corridor, Highpoint Road and the Park looks really great. Finally she congratulated Ricky Smith on his retirement.

Councilmember Robinson stated that she would just like to say God Bless Union City, the citizens and our hard working staff especially Public Safety.

Mayor Williams thanked everyone for coming out including Ms. Villard, Mr. Helvey, Mr. Williams and Ms. Mary. He added that we celebrate with Resurrection House not only the anniversary, but the consecration of Pastor Chika. He further added that we lost a real beacon of light in the State of Georgia and the World with the passing of Truett Cathy.

At this time City Attorney Davenport stated that he would like to enter into Executive Session for two items regarding threatened litigation and to review the Executive Session Minutes from August 19, 2014 and September 1, 2014.

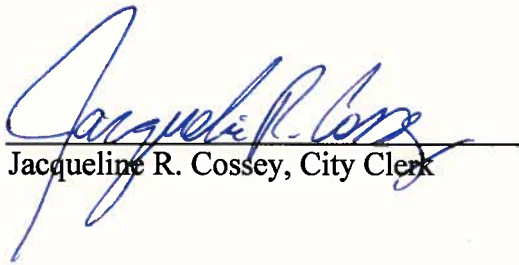
On motion of Councilmember Jones, seconded by Councilmember Nealy and carried, Council entered into Executive Session to discuss two items regarding threatened litigation and to review the Executive Session Minutes from August 19, 2014 and September 1, 2014. Vote was unanimous.

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

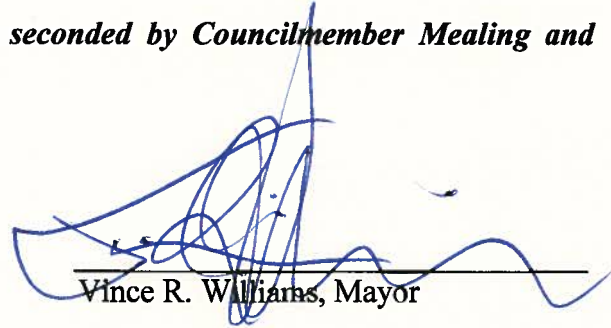
On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, the Executive Session Minutes from August 19, 2014 and September 1, 2014 were unanimously approved.

IX. ADJOURNMENT:

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



Jacqueline R. Cossey, City Clerk



Vince R. Williams, Mayor