

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

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

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 Mayor Williams.

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

Public Comments were made by the following:

- Yvonne Barber of 6385 Church Street, Union City, Georgia spoke regarding ongoing crime and violence in the City. She also thanked the Mayor and Council for their efforts. She concluded by thanking the Fire Department for all that they do.
- Kim Mitchell of 5400 Lakeside Drive, Union City, Georgia requested information on the citizen's police academy to assist community issues.

III. PRESENTATIONS/ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

Interim Fire Chief Joe Maddox presents SAVE Awards to the following firefighters: Micah Wallace, Jacob Clay, Ardie Walton, Trey Spivey, Andrew Riley, Will Jackson, Joshua Rogers and Craig Underwood

Interim Fire Chief Joe Maddox stated that he was pleased to work with such a great group of Firefighters. He then introduced Battalion Chief West to present the SAVE Awards to this group.

Battalion Chief Frank West stated that on November 10, 2014 at 05:42 engine 1 responded to a call on South Fulton Parkway for a male patient that was found unresponsive and not breathing. He added that Sergeant Micah Wallace, Fire Apparatus Operator Jacob Clay, Firefighter Ardie Walton and Firefighter Trey Spivey responded to the call. He further added that advance cardiac life support actions were initiated and after fifteen minutes the return of spontaneous circulation was witnessed and the patient was transferred by Rural Metro Ambulance to the hospital and after six days in intensive treatment, the patient was discharged from the hospital and is expected to make a full recovery.

At this time Battalion Chief Andy Dillard stated that on October 13, 2014 at 03:30 engine 2 received a call on a gentleman who was in his driveway penned between 2 cars. He added that the gentleman was not breathing and had no pulse and due to the firemen's quick response and extrication of the gentleman, he was responsive when the ambulance arrived. He further added that the gentleman was taken to Grady Hospital and they have lost contact

further added that based on field conditions discovered during excavation of the existing corrugated metal pipe storm drain and finding of continuous flowing water along the walls of the pipe trench, it was decided to test the water for the chlorine as well as retain a geotechnical firm to analyze the existing soil conditions. Mr. Clark stated that the chlorine test was determined to be negative and the existing soils were determined to be unsuitable for reuse as trench backfill for the entire length of the project. He added that in addition, it was recommended that an aggregate drainage course with filter fabric and underdrain be placed in the trench as the new reinforced concrete pipe is installed. He further added that these recommendations will require additional pay items which are not covered by the original contract. Mr. Clark stated that based upon the information received as of December 5, 2015, the current estimate cost of the proposed change order amount to complete the above recommendations that are not included in the original contract is \$1,365,345.00. He continued stating that the amount of change order work complete to date is \$278,998.63 and the remainder is \$1,086,346.37 and the amount of the original contract is \$349,815.20. He concluded that the total proposed project cost including change orders is \$1,715,160.20. He added that staff believes that the only alternative is to take corrective measures to address the stormwater and underground water issues based on the proposed recommendations of the geotechnical firm as outlined in the field report. He then recommended that the Council approve the above mentioned recommendations and change orders as follows:

- Approve change order number 1 in the amount of \$278,998.63 for work done to date.
- Authorize the City Manager to approve additional change orders to complete the remaining work up to and not to exceed \$1,086,346.37. Any additional change orders above this amount will be presented to the City Council for further discussion. The total change order amount is proposed to be financed using the stormwater utility funding account.

Mr. Clark stated that as of FY2014 the balance of that account is \$2,234,105.23. He further added that the projected amount including proposed revenues and expenditures for 2015 plus the change order that he is recommending will leave this fund balance at \$868,760.23. He then asked City Attorney Davenport if he wanted to make any remarks.

City Attorney Davenport stated that this was a very surprising turn of events. He added that the project is about 1500 feet in length and unsuitable soil was found the entire length of the project, which causes the prices of the project to increase. He further added that the information regarding the unsuitable soil came from Lowe Engineer which is the firm that the City hired and they have informed us that there is unsuitable soil along the entire length of the project. Attorney Davenport added that Mr. Clark did not mention that this project had 3 components to it. He further added that there was the stormwater component to replace the corrugated metal pipe with reinforced concrete, the sidewalk component as well as some street paving on Shannon Parkway. Attorney Davenport stated that we still do not know the extent of the unsuitable soil, but we do know it is present on the entire length of the portion where the reinforced concrete pipe is going and where the sidewalks are going. He added that we still do not know if there is unsuitable soil under Shannon Parkway. He further added that at this point we are trying to plan for the contingency that there are unsuitable soils and if there are unsuitable soils, he will come back to the Mayor and

Council and recommend holding the paving part of the project for now because there will be a bigger problem to address. Attorney Davenport stated that if there are not unsuitable soils; they will proceed with the paving part of the project, but that is in the future and we do not know where we are with that yet. He added that the project has to be done and thankfully there are funds in the stormwater utility account that will take care of that. He further added that he understands that there is an underwater spring that is the biggest contributor to our problem and that has to be remedied and he believes that these funds will take care of that. Mr. Davenport stated that he met with the representative of the contractors over a week ago along with their attorney because this contractor performed work over and above the contract because it needed to be done, due to the unsuitable soils and if he had not done so; it could have cost the City more money. He added that the contractors did work costing approximately \$278,000.00 over and above the original contract, but this was not without our knowledge. He explained that we talked to them and told them that the work has to be done and it would be explained to the Mayor and Council during our next meeting. He continued explaining that the contractors were instructed to stop so that he could be sure that the elected officials were on board with it because the contract needs to be reshaped. Attorney Davenport stated that the contract started out at approximately \$349,000.00 and it is going to \$1.7 million, so with the \$359,000.00, 80% of that was covered by Georgia Department of Transportation (GDOT) and that is now a very small percentage although it helps. He further stated that what he committed to the contractor was, he would brief the Council on the issue tonight and get authorization for two things including change order number 1 as well as the overall amount of the change order to try and expedite this process for future work and in the context of doing all of this, we agreed in principal to put some language in the contract to spell out this change order process, so that the change order can not only extend the amount, but extend the time because this was originally a 180 day project, but it's not any more. Attorney Davenport stated that each change order could have the effect of changing the dollar amount as well as the duration and during conversations with their attorney he is certain that everybody is still on board if we go forward from here and the Council's authorization will allow them to go forward to amend the contract to put the new change order language in to extend the dollar amount and the term to the extent that needs to be extended and authorize the change order and that total amount. He concluded that he is aware that this is a lot of information, but he has been working with Cedric on this for quite some time and this is crumbling infrastructure that has to be addressed and the presence of the unsuitable soil just make it an insurmountable problem.

Mayor Williams stated that we have a lot of businesses on Shannon Parkway. He then asked how big of a hardship has this caused the businesses.

Mr. Clark stated that the businesses have been impacted and they wanted the improvements as soon as possible. He added that they do not want any delays because it impacts their driveway and the aesthetics of their property.

Mayor Williams stated that there are a lot of people depending on what we do to make these improvements.

Councilmember Jones asked how would the money that we have left in the budget impact future projects. He then asked is we are holding off on other projects.

Mr. Clark stated that based on his coordination with the finance department and our expenditures in 2013 and 2014, which was \$135,359 respectively, we will be fine and this will not have any adverse impact on the stormwater program going forward based on using these funds for this project.

City Attorney Davenport stated that he wanted to make sure that there was a clear understanding. He added that there is the overall change order which is \$1,365,345.00. He added that the second issue is to approve change order number 1 which is part of that \$1,365,345.00 and the first payment is \$278,998.63. He further added that he would include authorization to amend the contract to include change order language. He concluded that the first motion should be for the first payout and the second motion should be for the contract amendment.

Mayor Williams stated that mention was made that authorization should be given to the City Manager with regards to the contract. He added that he agrees that the Council should not be brought in every two to three days about this or hold the project up until the next Council Meeting or have a Called Meeting.

City Attorney stated that if the figure of \$1,365,345.00 meets the Council's favorable consideration, his recommendation here is for future change orders over and above change order number 1, under that cap, should be approved by the City Manager to avoid waiting 30 days for the next Council Meeting. He concluded that to the extent that there are other issues, such as the paving, that will come back to the Council because this just covers the known problem.

Councilmember Mealing stated that she is fine with the information, but she wants to be kept abreast of where we are in the project. She added that she felt a little blindsided coming in although it was in the packet, it would have been nice to be briefed before now because this is big. She further added that she would like to be notified in the future.

Mayor Williams asked Mr. Clark when he found out about the issue.

Mr. Clark stated that he met last week with the City Attorney, City Manager and the consultant and he received the information in its entirety late Friday evening and he put the information together on Monday morning to meet the Clerk's deadline. He then stated that he will begin providing a monthly updates and provide status emails to the Council until the end of the project to keep them informed.

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, the Council approved a change order ceiling in the amount of \$1,365,345.00. Vote was unanimous.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the Council approved change order number one in the amount of \$278,998.63 and authorize the City Manager to approve additional change orders on this project not to exceed \$1,086,346.37 . Vote was unanimous.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports:

- Parks and Recreation Community Food and Toy Drive

This program is moving along successfully as the first collection was made from Dendreon. Dendreon, Car Dealerships and staff are working hard to provide toys and food to needy families. The giveaway will be held on Friday at 11:00. The Mayor and Council were thanked for their support.

- Employee Holiday Luncheon

The Employee Holiday Luncheon was held today. The Mayor and Council were thanked for their support.

- GIS Update

Staff is working hard to cultivate this project. Information Technology, Community Development, Public Services and Finance have been meeting and they are hoping for a rollout of some maps that will provide additional information to our constituents as early as the end of January. Additional updates will be provided.

VIII. OTHER BUSINESS:

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Councilmember Robinson spoke regarding the following:

- Thanks was given to the Firefighters for their heroic actions
- Thanks was given to the City Manager and her staff for creating a poster of helpful hints for citizens regarding water usage

Councilmember Mealing spoke regarding the following:

- Thanks was given to the Fire Department and Police Department for a great response
- Acknowledgement of crime in the City as she was held up at gunpoint
- Thanks was given to the Union City Family for showing so much love to Jonathan Magwood
- Thanks was given to the residents and staff
- Wishes for a Merry Christmas and a Happy New Year

Councilmember Nealy spoke regarding the following:

- Thanks was given to the residents for coming out and being engaged
- Thanks was given to staff for great events
- Great Employee Holiday Luncheon
- Thanks was given to the Fire Department for saving lives
- A Welcome was given to all new business in the City
- Acknowledgement was given to Commissioner Edwards for his service to South Fulton

- Thanks was given to the residents for paying the stormwater fee which pays for projects such as the Shannon Parkway CMAQ Project as those funds assist the City with infrastructure improvements
- Acknowledgement of those that are less fortunate during this time of the year
- Wishes for a Merry Christmas and Happy Holidays
- Remember the meaning of the season, the birth of Christ

Councilmember Jones spoke regarding the following:

- Thanks was given to Commissioner Edwards for his service
- Hopes that Commissioner Darnell will be as engaged in Union City as Commissioner Edwards was
- Thanks was given to the Fire Department for saving lives
- Thanks was given to the Police Department for saving lives
- Participation in Fulton County's Principal for a Day Program Parent participation was encouraged
- Utility services providing lack services in the City (Cables in the streets & Wires hanging from poles)
- Steak and Shake opened and hired 150 employees, over 3,000 jobs have come to the City in the past six months
- Thanks was given to Shirley Jackson for her time served on the Jail Authority
- Demolition of the Mall and more jobs are coming, make 2015 an even better year than 2014
- Thanks was given to the Mayor and fellow Councilmembers
- Happy Holidays to everyone

Mayor Williams spoke regarding the following:

- Everyone was cautioned to be safe during this holiday season as they move about as Councilmember Mealing experienced a traumatic experience
- Acknowledgement that Union City has crime issues
- Parents must talk to their young men and women (Better parenting)
- Mayor Williams home was burglarized in November
- Participation in Principal for a Day (Parents must get in involved in our kids schools)
- Keep several employees and loved one in prayer: Kevin Sesberry, Polly Miller, Firefighters who recently had surgery, Tarsha Calloway, Lee Blitch
- Thanks was given to staff for a fantastic Tree Lighting
- Thanks was given to Donna Wallace for her work with the Senior Program Initiative
- A warm welcome was given to Steak and Shake for coming to the City
- Chief Chuck Odom must get involved with community policing
- Thanks was given the to the Code Enforcement Team for a job well done
- Thanks was given to Mrs. Tarsha Calloway and her Finance team
- Thanks was given to Jacqueline Cossey, the best City Clerk in the world
- Thanks was given to City Manager Sonja Fillingame
- Thanks was given to City Attorney Dennis Davenport for serving Union City for over 20 years
- Thanks was given to the residents for their support
- Thanks was given to the men and women in uniform

- Pat Leverette and Ruthie Carrie are retiring this month
- Thanks was given to the administrative staff
- Pray for Jonathan Magwood
- Merry Christmas to all

X. ADJOURNMENT:

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

Jacqueline R. Cossey, City Clerk

Vince R. Williams, Mayor