

UNION CITY
CALLED COUNCIL MEETING MINUTES
MONDAY FEBRUARY 26, 2015
8:00 A.M.

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

Absent: Brian Jones,

The meeting was called to order by Mayor Williams at 8:06 a.m. Mayor Williams gave the Invocation.

1. Council to consider truck traffic restrictions along Londonderry Way, Lancaster Lane and Shannon Parkway.

Cedric Clark addressed the Council to give the them an update as it relates to the old Shannon Mall area in relation to truck restrictions along various local streets in the vicinity. He informed the Council that staff had a meeting with The Rooker Group on Monday and it was considered very productive. He conveyed that both sides agreed that the infrastructure needs improvements that must be done before the development can open for business. Mr. Clark stated that we need to refine the scope, the schedule and the budget. He added that Brian Cardoza and Ms. Vicki Coleman have been in close communication regarding this matter. He further added that he enlisted SEI (Southeastern Engineering) to perform a traffic study which yielded a lot of good information. Mr. Clark stated that the good news is that we do not need any major improvements before the roads get to where they need to be to accommodate the increase in truck traffic. He concluded that he will continue to work with The Rooker Group to address the needs of that area.

Mayor Vince Williams asked how close are we coming to solidifying this issue.

At this time Mr. Clark deferred to Mr. Cardoza.

Mr. Cardoza stated that the meeting took place on Monday so it is too soon to tell.

Mr. Clark stated that he would be able to come back in thirty (30) days with further details.

Mayor Williams stated that he was concerned that the Council was being asked to move forward without a resolution to this because it is critical for all of us. He added that we want to keep the project moving forward, but get all of the nuisances out of the way.

Ms. Coleman stated that Mr. Clark has covered most of what was covered in the meeting. She added that from a permitting standpoint, the truck restrictions are in place on the road and it has

been communicated to The Rooker Group that the restrictions will not be lifted even if the zoning requirements have been met.

Councilwoman Mealing thanked staff for the report. She then stated that she is concerned about the maintenance of the roads as they are Union City roads. She added that she would propose that the CDBG money not go in that direction because those dollars have been earmarked for other projects. Councilmember Mealing stated that she does not want it to look like we are showing favoritism because The Rooker Group has come on board and we are taking money from one project to fix another. She further added that she agrees with Mayor Williams regarding the fact that the roads have not been heavily utilized with truck traffic, but this is a major development and she is concerned with how the roads are going to be maintained because they are Union City roads.

Councilwoman Nealy asked Mr. Clark to explain what he means by infrastructure concerns.

Cedric Clark stated that he would like to take this opportunity to answer both Councilmember Mealing and Councilmember Nealy. He then stated that this area has been designated as Town Center Mixed Use (TCMU) and with the industrial piece, he is requesting that those roads are brought up to our revised industrial standards for roadways which gives us a much longer life cycle cost on the roads where the maintenance is not as routine. He added that in the future, we will still be responsible for the roads, but it will not be as frequent as previous developments where we did not require that the standards of the roads are upgraded.

At this time Mr. Clark turned his attention to Councilmember Nealy's question and stated that the minor improvements that were recommended in the report included geometry improvements at the intersections radii to allow for better turning movements for large trucks as well as sidewalks. He added that

Councilwoman Robinson stated that she would like Mr. Clark to clarify his answer with regards to the question asked by Councilmember Mealing. She then asked who would be responsible for the continuous maintenance of the roads in the next five (5) years.

Mr. Clark stated that the roads will remain public roads and as a result of that, the maintenance responsibility will continue to lie with the local jurisdiction, which is the City.

Councilwoman Robinson then asked if this would be included in the upcoming budget presentation from Mr. Clark.

Mr. Clark responded "Yes". He added that it would be part of the long term capital improvement plan. He added that what we are discussing today is not included. He further added that we are currently discussing the improvements related to the initial development which is not included in our budget.

Councilmember Robinson asked if The Rooker Group will incur the cost.

Mr. Clark stated that this is what he is proposing

Councilmember Mealing asked if The Rooker Group has agreed to incur the cost.

Mr. Clark stated that they have not reached an agreement yet; however things have been very positive in his discussions with Mr. Cardoza and they have been working very well together so he does not think that this will be an issue.

Vicki Coleman stated that the City has its own capital plan and timeline and although we may already have existing projects, this is not one of them as it is new redevelopment coming in. She concluded that it is The Rooker Group's desire to move this project forward expeditiously, so they must participate because the City does not have the resources.

Mayor Williams asked Mr. Cardosa if it was his desire to remove the truck restriction.

Mr. Cardoza stated that is his desire to have the tenant/user in the building to be able to operate their business. He added that he wants to abide by the rules which could be through working with the City to make some improvements or understanding alternate routes that allow for trucks to come in and instruct the tenants to use the routes. He concluded that conversations need to continue because these discussions began on Monday and it is not fair to any of us to have an answer today. He then stated that he wants the City to partner with him like we have been and vice versa.

Mayor Williams stated he understood what Mr. Cardoza was saying; however he is concerned that we are early in the conversation and he is aware of the need and desire to move forward on this matter, but he does not feel comfortable moving forward with this matter until we come to some sort of agreement or disagreement so we will know how to deal with this. He added that it is premature to ask the Council to move forward.

Councilwoman Mealing stated that she is in agreement with Mayor Williams.

City Manager Fillingame stated that there is another component to this. She added that from a Public Safety standpoint, Chief Odom is currently looking at our ordinances regarding trucks, but public safety is another piece that can come into play so that information will be needed in the process.

Mayor Williams stated that this also gives every player an opportunity to get involved. He added that we need to make sure that Public Safety, Economic Development, Planning and the Developer and legal as well to make sure we come up with something that will work for the Developer as well as the City.

After a brief discussion the Council agreed to revisit this item at a later date.

On motion of Councilmember Nealy seconded by Councilmember Mealing and carried, Council agreed to receive an update on the aforementioned item during the March 17, 2015 Regular Council Meeting. Vote was unanimous.

2. **Public Hearing** to consider a request by Majestic Realty Co. to amend the official zoning map by rezoning 21 acres located in Land Lot 148 of District 09F along Stonewall Tell Road.

Vicki Coleman led this discussion and stated that this is a rezoning request to rezone approximately 22 acres to Town Center Mixed Use (TCMU). She added that the property is currently located in unincorporated Fulton County, so the proposed land use designation that we would be considering for this property would be District Mixed Use Office, Corporate Campus and Urban Neighborhood Emerging as part of this designation. She added that the Planning Commission and staff recommended approval of the rezoning to TCMU. Ms. Coleman stated that this property is adjacent to the WalMart Distribution facility, so it is consistent with the zonings that are in the surrounding areas that have been annexed into the City.

Councilmember Nealy asked Ms. Coleman to expand on the proposed designations.

Ms. Coleman stated that the aforementioned would be the proposed land use designation, which sets forth what the future land use would call for and the long range plan and essentially the designation for all of the surrounding property within the City. She added that they have similar land use categories. She reiterated the land designations are the District Mixed Use Office, Corporate Campus and Urban Neighborhood Emerging which is on the northern part of the site. She then stated that this is a split land use category.

Public Hearing Opened.

Woody Galloway of Majestic Realty spoke in favor of the annexation and rezoning. He added that he met with the Fulton County Board of Commissioners and they voted unanimously not to oppose the annexation on three conditions: Provide a 70' Landscape buffer, no access to Stonewall Tell and lights on the northern side deflect down and away from the residential area.

Mayor Williams asked how the meetings with the surrounding neighbors were.

Mr. Galloway stated that the meetings went well. He added that some of the residents thought the development was going to come through their neighborhood and accessing their roads because of the signage.

Councilwoman Robinson stated she was glad that the residents are satisfied.

Public Hearing Closed.

City Attorney Dennis Davenport suggested that the Council add the conditions set forth by Fulton County into their motion.

On motion of Councilmember Mealing seconded by Councilmember Nealy and

carried, the aforementioned item was approved with the conditions set forth by Fulton County: add a minimum 70' buffer along the property frontage along Stonewall Tell Road, no access to Stonewall Tell Road, the lights along the Northern portion of the building should be directed down and away from the residential area and combine all parcels to the main tract. Vote was unanimous.

3. Council to consider request by Majestic Realty Co. to annex 21 acres located in Land Lot 148 of District 09F into the corporate limits of Union City.

Ms. Coleman led this discussion and stated that staff had the opportunity to review the annexation request which meets the provisions of the 100% method. She added that the Planning Commission recommended approval. She further added that staff recommends approval with one condition, that the parcels be consolidated and not bring in any parcels that are nonconforming.

Mayor Williams asked if this information was discussed with the petitioner.

Ms. Coleman stated that this information was discussed with the petitioner and the petitioner made the recommendation to add it as a part of a condition.

On motion of Councilmember Mealing seconded by Councilmember Nealy and carried, the aforementioned item was unanimously approved with the conditions set forth by staff to consolidate all parcels.

4. **Public Hearing** to consider a request by RP Union Station 85 LLC to amend the official zoning map by rezoning 82 acres located in Land Lot 62 and 63 of District 09F along Stonewall Tell Road from General Commercial (GC) and Town Center Mixed Use (TCMU) to (TCMU) zoning classification.

Mayor Williams stated that this is approximately the whole property and it is actually a little over 2 acres and not 82. He added that it is confusing as written. He then asked the City Attorney to assist in explaining the matter.

Ms. Vicki Coleman stated that there are two separate segments and she took everything in at one time to avoid two applications and the Council could see the entire site as one.

Mayor Williams stated that the item as written was confusing and may have been confusing to the public.

Dennis Davenport stated that he could understand what Ms. Coleman is saying and typically if you are going to add conditions to a zoning it would certainly be proper to put the whole parcel up for rezoning so the conditions would attach to every part of the parcel but no conditions are being offered so he does not understand why it's being rezoned as 82 acres if we are not offering any conditions. He added that if we were to offer conditions we need to do them on the front end so the applicant understands what the situations, because bringing in

conditions at the last public hearing without notice to the applicant would probably be questioned at this point.

Vicki Coleman stated that the approach from staff was going to be very different but at the last minute, after this was already prepared, legal counsel, Patrick Stough, advised her to go in a different route. She concluded that it was just a last minute change.

Mayor Williams asked if everything was good with the petitioner and from a legal standpoint.

Vicki Coleman stated that everything is good.

Attorney Davenport stated that he is satisfied that Ms. Coleman advertised more than she needed too, but if she had advertised less; it would have been a problem. He concluded that legal was good.

Vicki Coleman stated this is a request from RP Union Station and they have added some additional parcels at both corners. She added that Northeast and Northwest corners are General Commercial and two parcels are being added so the development on the site can be pushed more towards Mall Boulevard. She further added that the proposed rezoning request is consistent with zonings in the area. She concluded that 90% of the site is already zoned Town Center Mixed Use (TCMU) and staff and the Planning Commission recommends approval.

Public Hearing Opened.

Brian Cardosa on behalf of RP Union spoke in favor of the rezoning.

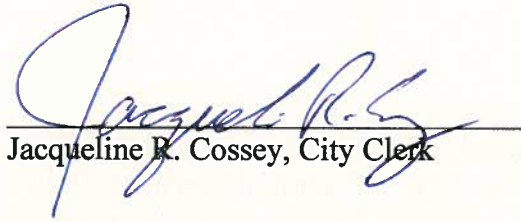
Public Hearing Closed.

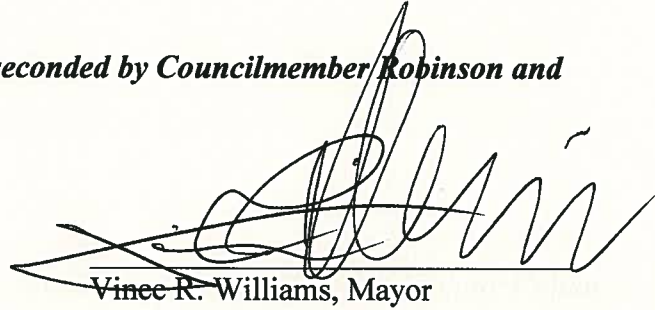
On motion of Councilmember Robinson seconded by Councilmember Nealy and carried, the aforementioned recommendation was unanimously approved.

At this time City Attorney Davenport reported that an issued came up during the last meeting regarding how the City of South Fulton would affect Union City by the Local Options Sales Tax. He added that since the last Council Meeting, House Bill 165 has been joined by Senate Bill 140 and it is the exact same Bill, but it started in the Senate as opposed to starting in the House. Attorney Davenport stated that the Local Options Sales Tax issue is not handled in the Bill to create a city, but is handled by general law under Local Options Sales Tax. He added that general law states that if you have a new city created, while having a certificate of distribution in place, and it is a new qualified municipality which this would be; it is up to the County and that City to file a new certificate and no one else has to do anything. He further added that Union City's certificate for its percentage would stay the same and the only change would be what the County would get. Attorney Davenport stated that it looks like the City of South Fulton would get about all of Fulton County's share because Fulton County would not have any population left which is what it is based on, so if they cannot agree on

what to do there is a process for them to go through just like Union City went through, but this would not affect Union City's share for this certificate. He then stated that during the next census and renegotiations, they will be a city at the table if they are voted into existence. He concluded that there will not be an effect on Union City as to Local Options Sales Tax for this current certificate distribution.

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


Jacqueline R. Cossey, City Clerk


Vince R. Williams, Mayor