

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, MAY 19, 2015
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 by Mayor Williams

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

At this time Mayor Williams read the following statement aloud on behalf of the City:

“Local media outlets have recently released a story concerning the shooting death of Mr. Ariston Waiters in December 2011. This is a matter which has undergone intense scrutiny and investigation from the office of the Fulton County District Attorney and the Georgia Bureau of Investigation. At the conclusion of the investigations a Fulton County Grand Jury found no basis for indictment. Should the office of the District Attorney determine further review is necessary, Union City stands ready to cooperate fully in that regard. Commenting on the facts and circumstances will not serve to benefit this process nor the family of Mr. Waiters. This is a time to allow the office of the Fulton County District Attorney to complete his undertaking. We appreciate your understanding as to why we cannot comment any further on this issue and we do so respectfully.”

Following his statement Mayor Williams asked everyone to be respectful of each other as well as the time during public comments. He then asked that we begin with comments from Ms. Freida Waiters.

Public comments regarding the investigation of Ariston Waiters were made by the following:

Freida Waiters of 917 Wildwood Avenue Mobile, Alabama spoke regarding the shooting death of her son and her wishes in the pursuit of justice including a federal investigation and the arrest of all officers involved in the shooting death of her son.

Attorney Mawuli Davis of The Davis Bozeman Law Firm

Troyia Sampson, fellow citizen

Marcus Coleman, Spokesman for the Waiters family

Reverend Jeffery Bendoit of Rex, Georgia

Keith King of 4306 Ravenwood Drive

Joe Beasley of 87 Peachtree Street

Yolanda Chancellor of Lithia Springs, Georgia

Yvonne Barber of 6385 Church Street

At this time Mayor Williams informed the public that all comments were heard tonight and there are actions being taken by this Board that they are not at liberty to discuss. He then noted that he publicly apologized for the death of her son in 2011, but would like to apologize again for what happened. He added that he is concerned and wants justice to be served. He further added that we are going to make sure that justice is served. He then stated that he was served with a subpoena today by District Attorney Paul Howard and he has informed Mr. Howard that every item that he has requested will be delivered to him. Mayor Williams stated that he has spoken with the City Manager and Police Chief and ordered that every available piece of information, document, and item be turned over to Mr. Howard's office so that he may complete his investigation and determine where he goes thereafter. He added that this entire Body grieves with Ms. Waiters and none of us can move forward without having closure. He further added that Ms. Waiters deserves closure and this City deserves closure. Mayor Williams stated that measures are being taken right now that he cannot expand upon. He then reiterated that that he is in receipt of a subpoena and he will adhere to the request.

At this time Mayor Williams recognized Councilmember Mealing.

Councilmember Mealing thanked everyone for coming out. She stated that she was in contact with Ms. Waiters earlier and that her heart is still heavy with regards to the death of her son.

She then stated the following:

“With respect to the Ariston Waiters case and the new allegations, I strongly urge the D.A.’s Office and the Federal authorities to review all evidence again to pursue justice, so tonight I am going to be asking my colleagues, Mayor and Council, to stand with me as we send a letter to the Department of Justice to let them do an investigation. Ms. Waiters, I know you want closure and so do I. Union City wants closure, the citizens want closure, the community at large wants closure and the only way to get closure is to close this so your healing can begin and we want that. I just want to formally say, again, my heart is heavy for your son and I do not have kids, but I do understand the hurt that you must be feeling over the past three years. I will take it upon myself to ask and urge my colleagues to let us write the letter. I am not grandstanding at all, but I want us to send a letter. We stand with you and we want justice as well and I want a thorough investigation, not just with the D.A.’s Office, let’s go further until justice is served. Many of you all know that I stand for honesty, integrity, transparency and justice therefore I will continue to stand on these principals.

Additional Comments unrelated to the investigation of Ariston Waiters were made by the following:

Bonnie Hinton of 6354 Shannon Parkway spoke regarding the poor construction on Shannon Parkway

Patsy Williford of 4940 College Street opposed the closure of the railroad crossing at Westbook Place.

VI. REGULAR/NEW BUSINESS:

1. **Public Hearing** to consider a petition submitted by Berhan Demisse for malt and vinous liquor license for package sales for Citgo NikNak, LLC located at 5000 Roosevelt Highway.

Britney Horne, Accounting Technician III, led this discussion and stated that this request is to consider approval for packaged sales for Citgo NikNak, LLC located at 5000 Roosevelt Highway. She added that this property was once occupied by Sanil Enterprises, LLC and their last day of operation was December 31, 2014. She further added that this request serves as a change of ownership and a new license issuance. She concluded that all administrative requirements have been met and staff recommends approval of this item.

Public Hearing opened.

No one came forward

Public Hearing closed.

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

2. **Public Hearing** to consider closure of the railroad crossing at Westbrook Place and TA Davis.

Public Services Director Cedric Clark led this discussion and stated that based on the criteria discussed tonight and public comments he would be happy to take any questions before the public hearing.

Mayor Williams stated that we do not have to take action this evening and he would like to hear from the community to get an idea of where we are because we all have to live together. He added that the first concern is public safety, but we do not want to take away from the businesses or the livelihood of many that reside in the City. He further added that we want to be respectful to everybody that is involved. He then instructed Mr. Clark to head up this charge along with staff from the Police Department.

Councilmember Jones stated that he is not ready to close the railroad crossing. He added that he would like to entertain the idea of adding six feet of asphalt on the right side of the crossing. He then reiterated that he is not ready to close the crossing at this time.

Mayor Williams informed Mr. Clark that Councilmember Jones should be included in the aforementioned discussions.

Mr. Clark stated that he would reach out again to GDOT and CSX, but he wants to be clear that the City would not be a vehicle to make those improvements as those improvements must be made by GDOT and CSX. He concluded that the City does

not have the jurisdiction, but we can have discussions to gauge interest from GDOT and CSX for additional improvements.

Councilmember Mealing stated that she is in agreement with Councilmember Jones. She added that in light of what has been presented tonight; she is not prepared to make a decision. She then stated that she would like the staff to come up with a figure to present to GDOT and CSX to inform them what it could cost to avoid accidents and provide safety to businesses, residents, and those who travel across this railroad crossing.

Councilmember Nealy stated that she has attended Union Grove Baptist Church and witnessed some of the issues with the area. She added that she understands the engineering components and the grade, but it is not about adding asphalt or striping. She further added that this is about engineering design, trip checks and more. Councilmember Nealy cautioned her colleagues to be mindful of this as well as the financial impact that it may take in order to move forward outside of what GDOT and CSX are willing to provide.

Mr. Clark stated that the response that was received from GDOT and CSX was that they have done all that they could do.

Councilmember Robinson stated that due to the comments and information that were received tonight, she is not ready to make a decision. She added that the petition should be reviewed. She further added that she does not want to overreact because accidents happen and this must be given a lot of consideration. She then asked Mr. Clark to reiterate the response received from GDOT and CSX.

Mr. Clark stated that CSX completed a project at the crossing and added additional asphalt, so they feel that they have done their due diligence in addressing the issue and did not see any other remedies that they could offer to help the situation. Mr. Clark stated that a representative for GDOT is present tonight and would like to speak.

Lakenya Rapley, GDOT Railroad Crossing Engineer, addressed the Council and stated that in January 2015, GDOT added striping and a new sign and CSX added six feet of asphalt to the right side of the road, but nothing to the left side because a left turn is prohibited. She added that staff reported that there have only been four accidents at the location, but those are the only accidents that have been reported. Ms. Rapley stated that there were 41 calls to CSX's hotline to stop the train in an 18 month timeframe from citizens that were stuck on the tracks. She added that there are other factors that play into this closure process. She noted that GDOT looked at the location and put it into a larger formula of crossing areas and decided that this crossing is the best one suited for closure because there is another crossing near this location that is safer for the community. She explained that although the closure of this crossing may cause an inconvenience to the residents in the neighborhood, GDOT thinks that safety and closure outweigh that inconvenience. Ms. Rapley stated that GDOT and CSX are willing to meet with the City at any time.

Public Hearing opened.

Patsy Williford reiterated her opposition to the closure of the railroad crossing.

Public Hearing closed.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the aforementioned item was deferred to the June 16, 2015 Council Meeting to be heard as a Public Hearing. Vote was unanimous.

At this time Mayor Williams recognized Senator Vincent Fort and asked him to speak.

Senator Vincent Fort addressed the Council and stated that he is aware that there has been a robust discussion regarding Ariston Waiters' killing. He then acknowledged Councilmember Mealing for standing up and speaking truth three years ago and that he was aware that she came under intense scrutiny for doing so. Senator Fort stated that he was also aware that Mayor Williams was kind enough to make an apology tonight.

At this time Mayor Williams interjected and noted that he made an apology three years ago, although Ms. Waiters may not remember.

Senator Fort stated that at some point and time the Board is going to have to make some decisions about some people and their positions in this City, but this Board was elected to make the hard decisions. He added that at that appropriate time, he hopes that the right decisions are made. He noted that Ferguson and Baltimore will never be the same and they will be different cities for what happened. Senator Fort further noted that in some ways Union City may never be the same. He then stated that the gravity of this situation rises to that level and he knows that this Board wants to do the right thing. He further stated that he hopes that the Council does the right thing because the community is working to make this a movement and not a moment and the people will keep coming back until justice is served. Senator Fort concluded that he appreciates the Board and looks forward to working with them on this issue and any other issues that come up including the GDOT issue because GDOT is a state agency and he is a state senator.

Councilmember Robinson stated that she was happy that Senator Fort came to the meeting. She then stated for the record that justice does prevail and everyone on this Council is elected to carry out the people's business. She added that she is certain that everyone is going to let the chips fall where they may and it will only be fair that once the investigation is open again that it will unfold and the Council will honor the results. She further added that it bothers her that the galley is empty now that the public has had their say and we are left with the people who live in the City. Councilmember Robinson stated that she appreciates all comments, but she takes issue with those who do not live in the community coming in to tell us what we should do, when we should do it and how we should do it because we are going to do the right thing. She stated that she wanted to let Senator Fort know where she stands in terms of doing the right thing because we all have incurred losses, but don't bully us because we are going to do the right thing. She noted that the law will prevail. She then added that she is very protective of the citizens as well as all departments until she finds out that she must take a different route. She further added that it bothers her when people come into the City to make a grandstand and leave. She concluded that she is certainly in accord with opening the books to find out if there was justice or injustice.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports: None.

VIII. OTHER BUSINESS:

- City Clerk Annual Evaluation

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL: None.

At this time City Attorney Davenport stated that we need to enter into Executive Session regarding one personnel matter, two items of threatened litigation and review the Executive Session Minutes from April 21, 2015.

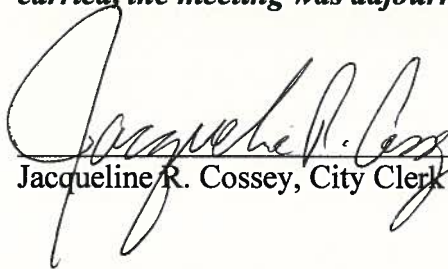
On motion of Councilmember Nealy seconded by Councilmember Mealing and carried, Council entered into Executive Session to discuss one personnel matter, two items regarding threatened litigation, and review the Executive Session Minutes from April 21, 2015. Vote was unanimous.

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

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the Executive Session Minutes from April 21, 2015 were unanimously approved.

X. ADJOURNMENT:

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


Jacqueline R. Cossey, City Clerk


Vince R. Williams, Mayor

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTIVE SESSION AFFIDAVIT

Personally appeared before me, Vince Williams, Mayor of the City of Union City, Georgia, who after being duly sworn says:

1.

I was the presiding officer of a meeting of the Union City Mayor and City Council held on the 19 day of May, 20 15.

2.

That it is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection a of this Code section, the person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

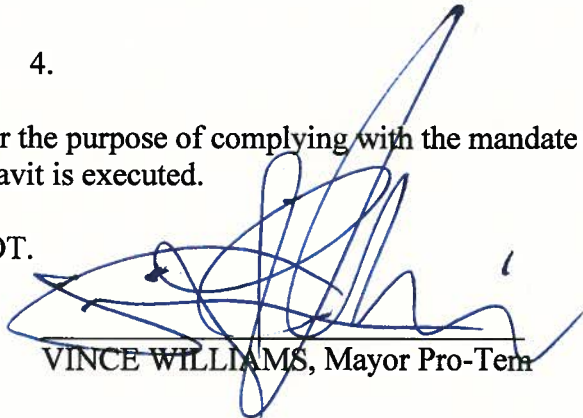
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 19 day of May, 20 15, which was closed for the purpose(s) of 1 personnel matter, 2 items for threatened litigation as allowed Executive Session Minutes from April 21, 2015 by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

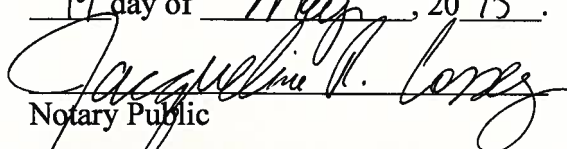
4.

This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4 (b) that such an affidavit is executed.

FURTHER AFFIANT SAITH NOT.


VINCE WILLIAMS, Mayor Pro-Tem

Sworn to and subscribed before me this 19 day of May, 20 15.


Notary Public

Notary Public, Fulton County, Georgia
My Commission Expire Feb. 13, 2017