

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, JUNE 16, 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 Information Technology Manager Trey Bennings

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

At this time Mayor Williams stated that he would like to depart from the regular agenda and accept public comments regarding the investigation of Ariston Waiters. He asked that everyone be respectful of the time and of each other.

Comments regarding the investigation of Ariston Waiters were made by the following:

Charlie Abrams of Atlanta, Georgia

Joshua Muhammad of 3800 Hershel Road

Reginald Muhammad of 875 Commodore Drive

Troya Sampson of 632 Peeples Street

Tee of Atlanta, Georgia

Reverend Jeffery Bendoit of Rex, Georgia

Jack Turner of 111 North Avenue

Pastor Kenneth Glassow of Atlanta, Georgia

Marcus Coleman of Peeples Street

Emeka of 253 Loveway Road

Liz of 1083 Austin Avenue

Faye Coffield of 3261 Chaparral Way

Darnell Lucas of 5501 Norman

Pastor Sedrick Hamner of 3725 Flat Shoals Road

V.J. Williams of Atlanta, Georgia

Freda Waiters of Mobile, Alabama

Regular Public Comments were made by the following:

Yvonne Barber of 6385 Church Street spoke regarding ongoing crime, pest and rodents.

Bonnie Hinton of 6354 Shannon Parkway apologized for an outburst made during Council Meeting last month, then spoke regarding the poor and lengthy construction on Shannon Parkway.

At this time Mayor Williams stated that he is being respectful of the process in the Ariston Waiters case, but he has concerns when the Council has to sit and listen to the concerns and cries of the people and Ms. Waiters and the Police Chief is not present. He then directed the City Manager to schedule a meeting.

III. PRESENTATIONS/ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

Presentation of a Proclamation Recognizing The 100 Black Men of South Metro, Inc. for 25 Years of Service

At this time Mayor Williams read the proclamation aloud and presented it to the President of The 100 Black Men of South Metro, Inc., Reggie Collins. The presentation was followed by a photo with the Mayor and Council.

Mr. Collins accepted the proclamation on behalf of The 100 Black Men of South Metro, Inc. and thanked the Council for the recognition.

Councilmember Jones stated that he has been a member of The 100 Black Men of South Metro, Inc. for nine years and was a mentee in 1996 that came back to lend a hand. He added that since he has been a member there have been two mentees of the year on a national level, two posse scholars and two millennium scholars. He concluded that he believes that the organization is making a difference.

Mayor Williams asked Mr. Collins if a scholarship could be established in the name of Ariston Waiters.

Mr. Collins responded, "Yes". He added that this is something that can be talked about.

Close-Out Presentation by The Collaborative Firm

Michael Hightower of The Collaborative Firm provided a brief close-out presentation regarding the services and support that his firm provided to the City's Community Development Department. He added that his firm provided support as it related to the following: variances, zoning verifications, permits, the LDP transmittal process, site development, soil and water, upcoming plan reviews, and the Majestic Project.

He added that the second part to this presentation was regarding a document that he presented to the Council. He then stated that the second document may be more fitting for a discussion at the next meeting as it relates to providing on-going support as needed or to be on call. He concluded that he is not asking for any action tonight, but to maybe add this item to the agenda next month.

Councilmember Jones thanked Mr. Hightower for the work that his staff provided during our transition to assist the new Director of Community Development. He added that it is important that we have someone in Community Development and he is sure that during the time that Ms. Vicki Coleman was here, there were some things in the code that needed to be changed or rectified. He further added that he is hopeful that we can get to a point where we can look at all of those things, because the codes are ever changing, to make sure that our City stays competitive. Councilmember Jones thanked Mr. Hightower and his staff for filling in the gap and he is happy that we have Community Development Director Nicole Dozier.

Councilmember Robinson stated that in the interim, Mr. Hightower's staff performed a wonderful job and she looks forward to his proposal. She then thanked him for the services that he and his staff provided.

Councilmember Mealing thanked Mr. Hightower and The Collaborative Firm for doing a yeoman's job for the City. She concluded that she is looking forward to keeping the lines of communication open and establishing a great partnership.

Councilmember Nealy addressed the City Manager and Finance Director and stated that looking at some of the critical areas and possible staff responsibility from a financial standpoint; how is the City looking and are we able to capture some of those deficiencies based on the recommendations from The Collaborative Firm.

City Manager Fillingame thanked Mr. Hightower and The Collaborative Firm, for the record, for their assistance. She further stated that The Collaborative Firm was invaluable. She then stated that there was a transition meeting with The Collaborative Firm and we were brought up to speed with regards to a lot of projects. Mrs. Fillingame stated that one of the things that she was for was a timeline, so that we would not skip a beat given that we have a lot of major development. She then stated that with regards to staffing, we have advertised for the current planner position and anything outside of that would have to be discussed during the budget process to look at the numbers.

Mr. Hightower stated that he would like to inform the Council that if they need The Collaborative Firm, they will be available and if they are not needed no problem. He concluded that he does not want to create a burden for the City's budget.

Mayor Williams stated that the City has been blessed to have The Collaborative Firm to assist us because the City has experienced an explosive year and a half with regards to development and opportunities in this City and certainly Michael Hightower's name is synonymous and not just in the Metro Atlanta, but around the Country. He added that Mr. Hightower and his team have assisted us in catapulting this City to a level of prominence that we are all proud of. He then thanked Mr. Hightower for all that he has done.

IV. CONSENT AGENDA:

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.

1. Approval of the Minutes: Worksession Meeting, 5/19/2015
 Regular Council Meeting, 5/19/2015
 Annual Budget Retreat, 5/29/2015
2. Council to consider approval of an ordinance to repeal provisions pertaining to Fireworks from the City's Code.
3. Council to consider approval of an ordinance to enact provisions pertaining to the Ownership, Responsibility and Maintenance of Water Lines and Sanitary Sewer Lines.
4. Council to consider approval of an ordinance to revise provisions pertaining to the Dedication of Public Streets.
5. Council to consider approval of a request to accept the Bureau of Justice Assistance Grant.
6. Council to consider approval of a Federal Grant Proposal with the Department of Justice for purchasing equipment and services.

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

V. OLD BUSINESS:

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

After a brief discussion Councilmember Mealing recommended deferring the item for 60-days.

Public Hearing was opened

No one came forward.

Public Hearing closed.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, the aforementioned item was deferred for 60-days to be heard as a Public Hearing. Vote was unanimous.

VI. REGULAR/NEW BUSINESS:

1. Council to consider approval of a Full-time Municipal Court Judge.

After a brief discussion to interview candidates this item was deferred for 30-days.

On motion of Councilmember Robinson seconded by Councilmember Mealing and carried, the aforementioned item was deferred for 30-days. Vote was unanimous.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports: None.

VIII. OTHER BUSINESS:

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Councilmember Robinson spoke regarding the following:

- Thanks were given to the pastors for attending the Council Meeting
- She noted that the Council heard every comment
- She noted that hats should be removed when entering a building
- She noted that we should have proper respect for one another
- She noted that she uses and knows the ghetto language, but there is a time and a place for everything
- She noted that the pastors were welcome to Union City
- Thanks were given to the citizens for attending the Meeting

Councilmember Mealing spoke regarding the following:

- Thanks were given to the pastors, residents and activist for attending the meeting
- She noted that the comments made tonight did not fall on deaf ears
- She noted a statement will be made regarding this case, but at a later date
- She noted that things will be done in a decent and orderly fashion
- She noted that this Board will take action and she looks forward to taking action soon

Councilmember Nealy spoke regarding the following:

- Thanks were given to everyone for attending the Council Meeting
- She too noted that the comments did not fall on deaf ears
- She noted that we should always allow peace to be our governor and righteous to be our ruler
- She noted that swift justice cannot be automatic, but it will be done
- She noted that the City has been working diligently on the meter issues, so the residents should see some relief
- She noted that the progress for Atlanta Metro Studios is going well
- Thanks was given to Public Works staff

- She noted that Ms. Bonnie Hinton was heard and she is also ready for completion of the of construction on Shannon Parkway
- Thanks was given to Michael Hightower for his transitional support to the City's Community Development Department and information provided to continue to sustain
- Thanks were given to the City Manager for her oversight during the Annual Retreat
- Thanks were given to Rhonda Jones for filling in the gap and assisting in the Human Resources Department
- She informed the public that she can always be contacted at her Union City email address

Councilmember Jones spoke regarding the following:

- He noted that a lot of comments were made and heard tonight
- He noted that justice is coming
- He noted that we all know what the issues are be it in Union City or elsewhere
- He noted that there is a process and the Council needs to make informed decisions with regards to the ongoing investigations
- Thanks were given to staff for all that they do for the City
- He noted that a lot of great information was shared at the Annual Retreat and the vision has been set for where we want to be in the next 3 to 5 years

At this time Mayor Williams spoke regarding the following:

- Mayor Williams agreed with the comments made by his colleagues'
- He noted that we have a dynamic staff that keeps the City running
- He noted that we had an outstanding event with the City's very first Community Health Day and this will be an annual event
- Thanks were given to Resurrection House For All Nations for partnering with the City for the Community Health Day
- Thanks were given to Ashley Minter for all of her hard work with regards to the Community Health Day
- Thanks were given to the City Manager and staff for a great Annual Retreat
- He noted that there was a concern for lighting at the park and this will be addressed at a later time and this Body is concerned about the children
- He noted that the City has budget constraints, but we will do what we have to do to keep the children safe

At this time City Attorney Davenport stated that we need to enter into Executive Session to discuss one item regarding pending litigation and review the Executive Session Minutes from May 19, 2015.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Council entered into Executive Session to discuss one item regarding pending litigation, and review the Executive Session Minutes from May 19, 2015. Vote was unanimous.

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

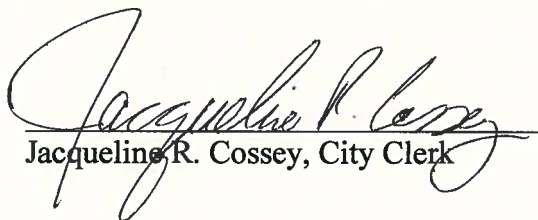
At this time City Attorney Davenport stated that we had a proposed settlement agreement provided this evening. He added that there is currently a lawsuit filed by Dennis Moore and Kenneth Alexander pursuant to back wages pursuant to the Fair Labor Standard Act. He further added that the plaintiffs and their Counsel agreed with the City's Counsel, Sharon Morgan and Tracie Glanten of Ellerbe Thompson, from GIRMA to certain terms and conditions and if the meet with favorable consideration to settle this lawsuit. Attorney Davenport stated that Kenneth Alexander has asked for back wages in the amount of \$1,463.84 and Dennis Moore has asked for back wages in the amount of \$2,309.96 for a total of \$3,773.80. He added that with this type of lawsuit, if the plaintiffs are successful and are awarded some back wages, under the Fair Labor Standards Act, they would get liquidated damages equal to that number. He further added that as a part of the settlement it is proposed to provide liquidated damages to both Kenneth Alexander and Dennis Moore in the amount equal to the back wages that they sought. Attorney Davenport stated that in GIRMA's evaluation of this lawsuit, GIRMA has provided information to the City that it would cover the portion for liquidated damages of this settlement which is \$3,773.80 as well as the attorney fees totaling \$9,711.25. He added that GIRMA is looking to provide coverage in the amount equal to \$13,485.05 representing the liquidated damages and attorneys' fees. Attorney Davenport continued that the City would be taking care of the back wages in the amount of \$3,773.80. He explained that in exchange for the City providing these back wages, liquidated damages and attorney fees, Mr. Alexander and Mr. Moore would agree to release and waive any and all claims that they have, had or may have against Union City. He explained that this is contingent upon court approval and once the court approves it, they would dismiss their complaint with prejudice, the plaintiffs cannot bring action against the City again, once this is over. He concluded that if these terms and conditions meet with the Council's consideration, he would like to know.

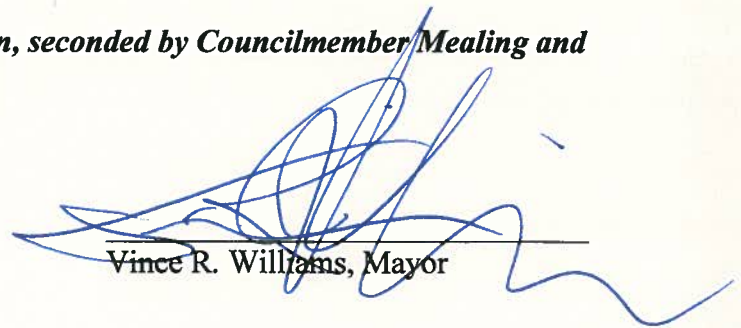
On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Council agreed to approve the proposed settlement agreement regarding Mr. Moore and Mr. Alexander. Vote was unanimous.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, the Executive Session Minutes from May 19, 2015 were unanimously approved.

X. ADJOURNMENT:

On motion of Councilmember Robinson, seconded by Councilmember Mealing 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 16 day of June, 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.

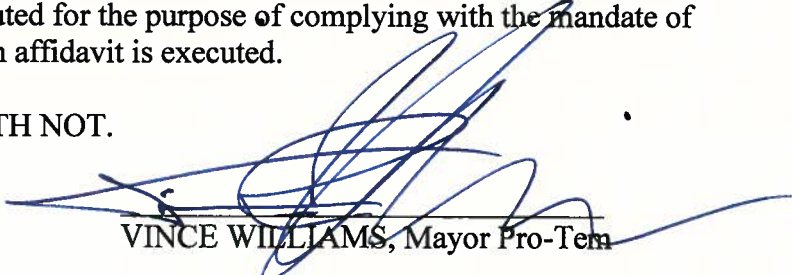
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 16 day of June, 20 15, which was closed for the purpose(s) of 1-Item of Pending Litigation & Review Executive Session Minutes ^{from May 19, 2015.} as allowed 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 16 day of June, 20 15.


Notary Public

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