

UNION CITY MINUTES
WORKSESSION MEETING
TUESDAY, JULY 21, 2015
6:30 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

Directors: Tarsha Calloway - Finance, Rhonda Jones – Human Resources, Cedric Clark – Public Services, Chuck Odom – Police Chief, Nicole Dozier – Community Development, Lee Blich – Parks & Recreation and Trey Bennings – Information Technology

Absent: Joe Maddox - Fire Chief

The meeting was called to order at approximately 6:35 p.m. by Mayor Williams.

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

III. PRESENTATIONS/ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

1. Fulton County School Board Member Catherine Maddox to introduce the new Principal of Banneker High School, Dr. Duke Bradley III and Interim Fulton County School Superintendent Kenneth Zeff
2. Presentation of a Proclamation Recognizing Red Ribbon Week (Staff Sergeant Emma Hartley)
3. Presentation by Georgia Tech Students regarding the Baseball Redevelopment Project
4. Presentation by Union City 2015 Interns
5. Presentation by Michael Hightower regarding the South Fulton Economic Development Partnership

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.

V. OLD BUSINESS:

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

come in and work in the City limits of Union City. He concluded that this resolution is a mere image of what the Council adopted three years, but it adds Atlanta to the list of Housing Authorities who can work in Union City for this specific project.

Mayor Williams stated that this will certainly benefit us as we continue to grow.

Councilmember Mealing stated that Union City has never really worked with the City of Atlanta's Housing Authority. She then asked if staff could provide the Council with an update of the projects so the Council can keep the citizens informed.

Attorney Davenport stated that this is not the City of Atlanta's project.

Councilmember Jones asked if the City of Atlanta would have the ability to send persons to the project for housing with vouchers from their housing authority.

Mr. Davenport explained that the reason that Fulton County and the City of Atlanta are part of the equation is because their two housing authorities have agreed to provide some project based rental assistance for a certain number of units within the project. He added that the Housing Authority of Union City and the developer look at that as a benefit with the project, but in order for them to come on board and provide those dollars; they need the Council's permission to operate in the City limits. He further added that as far as specific number of who get in where, that will be between the developer and the Union City Housing Authority.

Councilmember Jones stated that if they are going to give money towards the project, then they will get some number of vouchers that can be put into the development because they will not just give us money with nothing in return.

Mr. Davenport stated that this is the same thing that was agreed upon three years ago with Fulton County. He added that Fulton County is already in the equation and we are adding the City of Atlanta to the equation.

Councilmember Jones stated that his hesitance comes from not having a working relationship with the City of Atlanta and their housing authority. He added that we have worked with Fulton County before so we know how they operate, but he is concerned with adding another housing authority to the mix. He added that perhaps two or three years down the road, there may be issues due to another party in the mix and he would like to be proactive and not reactive.

Mayor Williams stated that a part of this is in the spirit of everybody coming together to work together. He added that this has been the conversation in Fulton County as well as around the Metro Atlanta area. He further added that this is a part of everybody saying that we have people with needs. He continued stating that Union City's Housing Authority is in need and Fulton County's Housing Authority has already joined us regarding assistance and the development group has reached out to see if Atlanta would be interested and Atlanta is interested, but if there is an issue then we can address that issue.

Councilmember Robinson requested to view the resolution that we have with Fulton County. She then stated that she has the same concerns that Councilmember Jones has with regards to the number of housing that the City of Atlanta would receive.

Councilmember Mealing stated that as a former employee of Fulton County's Housing Division, there is a set aside number based on the number of units. She added that there is usually a percentage such as 10% to 15% that will usually be reserved for low to moderate affordable housing; however, the percentage is project based.

Councilmember Nealy stated for clarity that currently there are 150 units and we will be accepting the project based rental assistance and the concern is what percentage each entity will allow their resident to obtain a stipend or voucher.

Councilmember Jones confirmed that this is his concern.

Attorney Davenport stated that Mr. Torian Priestly who is also the developer visited the Council three years ago when this first started, but he is out of town, however he can be present for the next meeting to answer any questions that the Council may have.

This item was deferred for 30-days.

5. Council to consider approval of an Ordinance to enact provisions pertaining to encroachments into City-Owned right-of-way.

Public Services Director Cedric Clark led this discussion and stated that items five and six go together and he is attempting to revise the ordinance in order to make the utility permit request process more efficient. He added that currently there is no application or any official process and he receives emails from different companies requesting to encroach on the City's right-of-way. Mr. Clark stated that this will streamline the process so that we will have an application as well as an application fee that covers the City in the event that the contractor comes in and installs fiber optic cables and hit a waterline or damage City property. He further stated that this will cover the cost of the potential damage. He concluded that staff recommends approval of these two items.

Councilmember Nealy asked if the fee will be collected as the permit is issued or on the backend.

Mr. Clark stated that there are two fees. He explained that the application fee, in the amount of \$25.00, is non-refundable and will be accepted at the time that the application is submitted. Mr. Clark stated that if the construction is not invasive, not boring or going underground and it is aerial utility, then there is no fee; this is just for invasive construction.

Councilmember Mealing asked if the \$100.00 application fee was customary.

Mr. Clark stated that this is a new fee and it will be \$25.00. He added that the ordinance will be revised to reflect \$25.00 and not \$100.00.

Attorney Davenport stated that the Council could adopt the document and amend the fee to reflect \$25.00.

This item was added to the Consent Agenda.

6. Council to consider approval of a Resolution to adopt an application fee for right-of-way encroachment permits, to adopt a rate sheet for the calculation of cash bonds pursuant to right-of-way encroachment permits.

This item was added to the Consent Agenda.

7. Council to consider approval of a request for a change order in the amount of \$26,323.75 regarding the Oakley Industrial Boulevard Project to extend the proposed asphalt overlay 268 feet in order to address inadequate pavement striping along Oakley Industrial Boulevard. (Addendum to the original agreement with the City of Fairburn Attached.)

Mr. Clark also led this discussion and stated that the Oakley Industrial Boulevard Project is almost complete. He added that this change order would extend the current limits of the project 268 feet north from the current intersection of Oakley Industrial Boulevard and Highway 138. Mr. Clark explained that this will eliminate a gap because we have some existing striping needs on the corridor. He further explained that instead of creating an additional project, he proposed to the City of Fairburn and Georgia Department of Transportation to consider adding this additional work order to complete the project.

Councilmember Nealy asked if this is the same contractor that we are currently working with.

Mr. Clark responded, "Yes ma'am".

This item was added to the Consent Agenda.

At this time Mr. Clark stated that he was asked to brief the Council that currently at the Wal-Mart Distribution Center, there is an entrance onto Derrick Road and Wal-Mart is interested in adding a stop and go condition at that entrance. He added that adding a stop and go condition will make that interchange between hard and heavy truck traffic a safer condition. He further added that next month he will be coming before the Council with an agenda item for Council's approval, but he wanted to make the Council aware of the request. Mr. Clark stated that they have also asked for a temporary condition, but it can be approved next month.

Mayor Williams asked about the enforcement of a temporary condition.

Mr. Clark stated that if we proceed tonight with a temporary condition, the police can begin enforcement tomorrow.

Mayor Williams asked Mr. Clark if he needed approval tonight to move forward.

Mr. Clark responded, "If that is what Council decides".

Mayor Williams stated that safety is paramount.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Council approved a temporary condition for a stop-and-go stop sign at the entrance of Derrick Road and Wal-Mart.

8. Council to consider an amendment to the Personnel Policy Manual to include an Access Card Replacement Fee in the amount of \$8.10.

Rhonda Jones of Human Resources led this discussion and stated that each employee is assigned an employee access card to gain access to certain City buildings. She added that any lost or damaged cards that will be replaced will cost the City \$8.10 and over time this can become a financial burden on the City therefore she would like to add an amendment to the policy manual. She then asked for Council's approval.

This item was added to the Consent Agenda.

9. Council to consider approval of a Resolution to participate in and support the South Fulton Economic Development Partnership.

Mayor Williams asked if Mr. Hightower was present.

City Manager Fillingame stated that Mr. Hightower was not present.

Mayor Williams asked the Council if they wanted to wait for Mr. Hightower.

Councilmember Jones stated that he had no questions and was fine with placing the item on the Consent Agenda.

This item was added to the Consent Agenda.

10. **Public Hearing** to consider approval of an Alcoholic Beverage License application submitted by Syed Shah for on-premise consumption of malt, vinous and spirituous liquor for Fusion Daiquiri Bar located at 5851 Buffington Road.

Accounting Technician Britney Horne led this discussion and stated that the petitioner is requesting approval for malt, vinous and spirituous liquor with Sunday sales for Fusion Daiquiri Bar. She added that the property was once housed by Legend Sports Bar and their license expired December 31, 2014. Ms. Horne stated that this will serve as a change of ownership and a new license issuance. She added that all of the administrative requirements have been met and staff recommends approval of this item.

Mayor Williams asked if the issue regarding the requestor's citizenship was resolved.

Ms. Horne responded, "Yes".

Councilmember Robinson asked if she was waiting for the requestor's accurate date of birth.

Ms. Horne stated that there was no issue regarding his accurate date of birth, but the petitioner failed to list his date of birth, but that has been resolved and all documents have been reviewed by the City Attorney.

This item was added to the Regular Agenda.

11. Council to consider approval of a request from Jay Parmar, owner of the Microtel Hotel, to waive penalties on his tax bill.

Mr. Parmar addressed the Council and stated that the tax bill was sent to the wrong address and when he received the tax levy notice, he immediately went to the County and completed the appropriate form to get the address corrected and he has since paid the bill in full. He then requested that the Council waive the penalties and interest.

Councilmember Jones asked if this was one of those instances where Fulton County had the wrong address.

Ms. Horne and Mrs. Calloway responded, "Yes".

Mayor Williams asked Mr. Parmar how long he has had the property.

Mr. Parmar stated that he took over last March.

Mayor Williams stated that it is up to the Council to make a decision on the matter.

Mayor Williams asked for the total that would be waived.

Ms. Horne stated that the entire amount would be \$2,496.91, which includes penalties and interest.

Councilmember Robinson stated that someone else came before the Council with the same issue and she wants to go on the record and state that Mr. Parmar took over in March of last year and his taxes should have showed up.

Mr. Parmar stated that his taxes did not show up. He added that the County sent him the bill which was paid in due time, but he never received anything for a city tax bill. He added that the levy notice was sent to the correct address.

Councilmember Robinson stated that we hold homeowners accountable for their taxes and she has a problem not holding business owners accountable for their taxes.

Mr. Parmar explained that the bill was sent to the wrong address.

Councilmember Mealing asked staff what was being done to correct the matter because this was not the first time that this error has occurred.

Mrs. Calloway explained that all addresses are sent over from Fulton County and we must use the address that they send to us. She added that the taxes are mailed to the owner of record as of

January 1 of each year. She further added that when corrections are received she will pass them along, but Fulton County controls it.

Councilmember Mealing stated that she has a problem charging for penalties and interest when the bill is going to the wrong address, but she is not fine if an individual does not to pay their bill at all because they did not receive a bill.

After a brief discussion Councilmember Robinson asked City Attorney Davenport for his opinion regarding the matter.

City Attorney Davenport stated that people are liable to pay property taxes every year whether they get a bill or not and if you own real property or personal property, you are responsible whether you get a bill or not.

Mr. Parmar explained that this was his first time and it will not happen again in the future.

Councilmember Jones stated that he feels that Fulton County messed up and they should pay and if they keep making erroneous error on everybody's tax bill, the Council will be waiving penalties and taxes all of the time.

City Attorney Davenport stated that we really cannot call this an error because as of January 1, 2014, the predecessor owned the property and that person was responsible for payment of the taxes for 2014. He added that in March of 2014 when this property changed hands, at the closing, there was a disbursement schedule and the predecessor put in escrow three months of taxes which they were responsible for and the new owner was responsible for nine months of taxes. He further added that Fulton County sent the tax bill to the person that owned it as of January 1, 2014, so that is not an error. Attorney Davenport concluded that it takes time to update records and you have to pay your taxes whether you get a bill or not.

On motion of Councilmember Jones, seconded by Councilmember Mealing, this item was deferred for 30-days.

12. Council to consider approval of a request to designate The Collaborative Firm, LLC to serve as its Planning Consultant to provide services on an as needed basis in the event that such services are requested by the City.

Councilmember Mealing addressed City Manager Fillingame and stated that we already have a Planning Department. She then asked what would be different from what is being provided now than what is being proposed from our future planning consultant. She then asked what is the difference.

City Manager Fillingame stated that she has reviewed the information submitted by Mr. Hightower and it is fair to say that most of it equates to the day-to-day activities of the Planning Department. She added that with regards to the difference, it is what the existing staff is currently doing. She added that right now we have the Community Development Director, a City Planner and we also have another individual assisting with the building permits.

Councilmember Mealing stated that she likes the work that was done by The Collaborative Firm, but she wanted to know if there were any similarities in the work or if she was missing something.

Mr. Hightower stated that this is to help the City in the event that the City is in need of assistance, The Collaborative Firm will be there to support the City. He added that in other agencies he is providing services for clients that their staff cannot provide. He further added that he would serve as a tool kit that is available to the City if there is a need.

Councilmember Robinson asked Mr. Hightower if he would like to be the consultant on record and on call.

Mr. Hightower responded, "That's right".

Councilmember Robinson clarified that it will not cost the City anything unless we need him.

Mr. Hightower responded, "That is correct". He added that he could also be of service if there are things that staff cannot provide, different from existing staff, such as Land Use, Transportation, Economic Development and sometimes Design. He further added that as a full service firm, he can provide all four of those categories. Mr. Hightower stated that very few jurisdictions have all of those services in one person because they specialize in a certain area. He concluded that if the City does not need the services it will not cost one dime.

Councilmember Jones asked if this was like a stand by contract.

Mr. Hightower responded, "That is correct".

Councilmember Jones then asked City Manager Fillingame who would make the call to utilize The Collaborative Firm.

City Manager Fillingame stated that she would recommend that the Director of Community Development should make that call if needed. She then stated that if there was an emergency, and services are needed, as it was in the past when we had staffing issues and we needed some support; Mr. Hightower and his firm provided those services; there are concessions in our policy that will allow us to provide for emergencies for professional services. She then added that specialized things such as updating the Comprehensive Plan and things that fall outside of the day-to-day and non-emergency is typically put out for bid.

Councilmember Jones asked if the Community Development Director decides that the services of The Collaborative Firm are needed, a contract will be drafted to include the timeframe and services needed.

Mrs. Fillingame responded, "If that is the direction of the Council and the Council wants to accept this arrangement, then yes".

Councilmember Nealy asked if this was restricted to the internal day-to-day operations or for large scale projects; however the City Manager has answered her question.

Mr. Hightower stated that depending upon the Council's wishes; this will allow the City to do anything within the confines based on the dollar figure.

This item was added to the Consent Agenda.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

City Manager Reports: None.

VIII. OTHER BUSINESS:

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

X. ADJOURNMENT:

On motion of Councilmember Mealing seconded by Councilmember Nealy and carried, the meeting adjourned at approximately 7:15 p.m.