

UNION CITY
CALLED COUNCIL MEETING
MONDAY, FEBRUARY 8TH, 2016
6:30 P.M.

Present: Mayor Vince Williams, Councilmembers Brian Jones, Christina Hobbs and Angelette Mealing, City Attorney Dennis Davenport, City Manager Sonja Fillingame and Assistant City Clerk Porscha Washington

Staff: Public Services Director Cedric Clark, Community Development Director Nicole Dozier, City Planner Cheryl Foster, and Code Enforcement Officers Terry Stephens and Richard Newcomer.

Absent: Councilmember Shayla Nealy & City Clerk Jaqueline R. Cossey

The meeting was called to order by Mayor Williams at 6:30 p.m.

1. Council to review TCMU recommendations

At this time Mayor Williams turned the meeting over to Community Development Director Nicole Dozier to discuss the recommendations for TCMU and the sign ordinance revisions.

Community Development Director Nicole Dozier led this discussion and stated that she would be discussing the TCMU District and Sign Ordinance. She then went on to say that staff is currently reviewing the existing ordinances and is seeking input and guidance from Mayor and City Council. Director Dozier then stated that at the pleasure of Mayor and Council a representative from the “Developers Community” was present to answer any questions they may have.

Director Dozier stated that she would like to begin the discussion with TCMU. She then went on to give a general overview of what Mixed Use is and what the TCMU standards currently state. During the general overview she reviewed the definition of Town Center Mixed Use, the many benefits, current uses, standards and a brief history of the TCMU district. She also provided maps to illustrate future land use and TCMU zoning. Director Dozier then went through the zoning requirements for the zoning districts in the area. She then concluded her TCMU overview by asking if Mayor and Council felt that some revisions should be made or whether it should remain the same.

Mayor Williams then stated that he appreciated Director Dozier’s overview and that she mentioned some very important things in reference to TCMU being a trailblazer at a point in time for the City of Union City, but unfortunately the market has changed. He then continued by saying he personally does not feel there is a need for any type of change and that the focus should be on the landscaping.

Councilmember Jones then commented on not having percentages in TCMU. He then stated that based on his conversations with residents and the community he considered removing industrial out of Town Center Mixed Use. Councilmember Jones went on to address the development community asking for clarity on the landscaping aspect of TCMU. He then asked Public Services Director Cedric Clark to discuss the piping on South Fulton Parkway in the stormwater plan.

Public Services Director Cedric Clark then came forward and stated that currently there is no underground water piping so the Stormwater Plan would not be affected.

Councilmember Mealing spoke regarding her history of serving on the Planning Commission in 2005 and being able to see how important it was for TCMU to be created. She then spoke on the promotion of development in Union City and she felt there should not be any changes to TCMU considering the current developers have invested in Union City. Councilmember Mealing then gave thanks to the developers community for their presence at the meeting and also the community so everyone can be on the same page.

Councilmember Jones then spoke on the complaints received regarding the Shannon Mall site. He then spoke on his hope of the City being able to use TCMU to get mixed uses, residential and commercial in the same area.

Mayor Williams then spoke on the Mall site and the LCI research. Mayor Williams then stated that he agrees that we would not want to leave out any of the developers that have been loyal to the City. He then asked if anyone in the audience would like to come forward and speak on Town Center Mixed Use.

Comments regarding TCMU were made by the following developers:

Developer Chris Doughty of 635 Mount Vernon Highway, Sandy Springs came forward and discussed development in Gwinnett County and the development that will come to Union City.

Mayor Williams then stated that based on the reports that Mr. Doughty referenced, Union City is the leader in development opportunities because of TCMU.

Developer Matt Ornstein of Ornstein and Schuler came forward and stated that he loves Union City and that he was blessed to own property in Union City. He then stated that TCMU is the best plan he has seen based on all the other properties that he owns in other cities. Mr. Orstein also pointed out the map that Mrs. Dozier presented as being a great example of the properties located in the City. He then spoke on the landscaping including conservation parks and his belief that in the next two to ten years Union City will have one of the most high quality TCMU development communities around.

Scott Brown of Majestic Realty came forward and thanked Mayor and Council and Director Dozier for holding this meeting. He then stated that he sees no issues with TCMU and does not see a need for any changes.

Woody Galloway also of Majestic Realty spoke on the residential, commercial and industrial development. Mr. Galloway spoke on the Mixed Use deals and how difficult it can be working with other developers. Mr. Galloway then asked Council to consider sitting down individually and discussing a plan and assured them that they would be pleased with the development.

Councilmember Hobbs then stated that she would like to comment. She then said she feels there should be some flexibility and does not feel we should lock ourselves in. Councilmember Hobbs went on to say that we have a great opportunity to grow and we should not block ourselves from it.

Councilmember Jones then spoke and discussed the idea of the green landscaping. He also spoke on the residents not wanting to live in the area if the parkway is developed into an industrial parkway and he then stated that overall he loves the ideas.

2. Council to review recommendations to the Sign Ordinance

Mayor Williams commented that he believes that residents are seeing new development in an area as a fear factor. He then went on to state that with time people will become more comfortable with the newer development. Mayor Williams then turned the discussion back over to Director Dozier to discuss the Sign Ordinance.

Director Dozier began her discussion on the recommended changes to the Sign Ordinance. She then went on to explain the modifications and edits to the Sign Ordinance. Director Dozier then asked if Attorney Davenport could elaborate on the edits to the Sign Ordinance.

Attorney Davenport then spoke on the changes made to the language of the ordinance. He stated that it would be a good idea to have the modifications to the ordinance based on changes made by the General Assembly in reference to signs. He then went on to explain that these modifications would help us not try to enforce an ordinance that would conflict with state law.

Director Dozier then went on to elaborate on the changes made to certain pages and items in the sign ordinance. Director Dozier explained that the first substantial change made was based on the last discussion regarding the building permits for signage renewal. She then stated that the time frame has been changed from 30 days to 60 days based on recommendations. She explained that there has been minor changes to the terms used, some items have been deleted because they were duplicates, and some sections have been moved to new pages. Director Dozier then stated that another item of substantial change made was in regards to window signs in residential districts. She explained to Mayor and Council that there have not been any major issues regarding the signs from the planning and zoning perspective. She then stated that she would like to know if they would prefer to continue to allow window signs in residential areas or remove the item.

Councilmember Jones then asked Director Dozier to explain what she meant by window signs.

Director Dozier explained that the type of signs that she was making reference to were signs directly on the glass to the exterior of the home or on the exterior of a commercial business including lettering.

Councilmember Hobbs then asked if this included political signs.

Director Dozier responded by saying we do allow ground signage for political signs unless it is restricted by an HOA community.

Mayor Williams then asked if an HOA does not allow the signage on the ground is it allowed in the window.

Director Dozier explained that currently it can be put in the window.

Councilmember Jones then asked if that included advertisement for businesses.

Attorney Davenport then stated, "No". It is just a general sign no matter what is on it.

Mayor Williams stated the he sees no issue with continuing to allow window signs.

City Manager Sonja Fillingame then stated that Director Dozier has spoken with Code Enforcement and was told that they have not typically had any issues in reference to window signage.

Director Dozier then spoke regarding recommendations to remove page 10 item number 6 of the Sign Ordinance that they feel would be problematic. She then turned the discussion over to Attorney Davenport.

Attorney Davenport then stated that anytime we see language that goes with the content of a sign it is a red flag. He then explained that we only regulate size, height, and number of signage not what appears on the sign.

Mayor Williams then asked where in the ordinance do we discuss murals.

Director Dozier then stated that murals are discussed on page 13 item b in the ordinance. She then explained that there are currently no recommendations to this section of the ordinance in regards to murals.

Attorney Davenport explained that this sign ordinance is for non- residential. He then stated that from his knowledge murals are allowed in non-residential areas and not permitted in residential.

Mayor Williams then stated that we need to be very focused on murals based on a prior problem that came about in regards to murals some time ago. He then explained he personally has no problem with murals and feels that it was not anything that would disturb the community but having them violates our Sign Ordinance.

Attorney Davenport then explained the difference between non-residential vs. residential areas permitting murals. He then stated that the zoning districts does not control the regulations used, it is defined by the usage. Attorney Davenport then explained that legally a non-residential use of a mural can be allowed in a residential area but the size is limited not the presence. He then directed Mayor and Council to the section of the ordinance referencing Wall Signs. Attorney Davenport then elaborated on the sizes and how this section of the ordinance could pertain to murals as well but would not resolve the issue with murals.

Director Dozier then discussed wall signs. Director Dozier stated that the recommendation for wall signs were in reference to the size calculation. She then stated that the recommendation is to use a square footage per linear square calculation instead of using percentage of the overall size. Director Dozier explained that making this change would be more practical if used and would better address the signage needs for larger structures. She included that using this calculation would help with the compliance of the signage and the structure. Director Dozier then spoke on another substantial change with regards to window signs. She explained that currently the zoning ordinance allows for up to 50 percent of a window to be covered by signage and after discussion with public safety this has become problematic. Director Dozier explained that staff recommends a decrease anywhere from 10% or more.

Councilmember Mealing stated that she feels 10% is a dramatic change but 15% should work.

Mayor Williams stated that 20% should be fine.

Attorney Davenport stated that we are only discussing this topic because of the materials that the structure is made out of. He went on to explain that a brick structure with signage falls under the category of a wall sign and that a glass structure with a sign would fall under a window sign.

Director Dozier then asked Council to confirm that the percentage of the window allowed to be covered should be changed from 50 % to 20 %.

Council gave consent to decrease the window coverage percent to 20%.

Director Dozier spoke on the section of the ordinance pertaining to flags being moved to a new section.

Councilmember Hobbs then asked if that section of the ordinance with regards to flags was in compliance with state regulations as far as size.

Attorney Davenport responded by saying that there has been different heights in residential and non-residential for flags. But the City's flag height had been chosen by the Planning Commission and was endorsed by Mayor and Council.

Director Dozier then spoke on the Master Sign Plan. She discussed the benefits of this plan helping with development and uniformity in terms of signage. Director Dozier then explained that the Master Sign Plan is a brand new recommendation and shall be required for all

commercial and Mixed Use projects which are required to file a Land Disturbance Permit or site plan. She stated that the plan will help staff.

Councilmember Mealing then stated she was curious to know if we should be removing section 2D from the ordinance pertaining to sign illumination.

Attorney Davenport then spoke and explained that it would depend on the type of sign and the use on the property. He then stated that some signs cannot be internally illuminated and all can be externally illuminated. He explained that illumination should not be an issue.

City Manager Sonja Fillingame spoke and stated that Councilmember Mealing may be referencing a section of the ordinance regarding partial illumination.

Councilmember Mealing then asked if the ordinance contained a glossary or if we could have one added. She then went on to explain that she feels there should be a glossary so that when someone is reading the ordinance they have a clear understanding of what each term means.

Attorney Davenport then explained that there was a decision made to take all terms that were within the Zoning Ordinance and move them to Article 3. He explained that if there were any terms that she could not find the definitions within the article that those missing terms can be added to Article 3.

Director Dozier then spoke on additional changes to the terminology within the ordinance pertaining to the term Ornamental Structure. She explained that she and Attorney Davenport will be working on defining the term in words so that it will be clearly understood.

Councilmember Mealing then asked if there has been any changes or updates to the requirements for building materials within the ordinance.

Director Dozier responded to Councilmember Mealing and explained that there has not been any changes at this time. She then stated that it is something that will be looked at in the future.

Councilmember Hobbs then asked if political signs were included in this portion of the ordinance.

Attorney Davenport stated that signs cannot be determined by what they state. He continued to explain that Political Signs cannot be regulated by the type because by law it violates Freedom of Speech. Attorney Davenport then concluded by saying we should always determine what the regulation of signs may be by height and size and never the content.

Director Dozier then continued to review term changes and the recommendations to the sign ordinance and signage. She then continued by saying the signage should be at least thirty feet from the edge of any street, public or private. The sign should also be removed when eighty-five percent of the lots are built upon no later than five years unless an extension is granted by the Planning Commission.

Councilmember Jones then asked who would determine if eighty- five percent of the lot was built upon.

Director Dozier responded that Mayor and Council makes the decision on the percentage. She then explained that eighty -five percent is determined by the size of the residential subdivision which usually contains eighty-five lots. Director Dozier then explained that the residential percentage can be increased if that is the pleasure of the Council.

Councilmember Hobbs then asked if this pertained to directional signage as well.

Attorney Davenport stated that as long as the person who is putting up the signage has permission from the property owner and the sign's height and size meet that county's regulations, it is legal.

Director Dozier then spoke on the last item which pertained to allowing property owners to utilize electronic billboards. She explained that all of the provisions are the same and the only change is allowing the billboard to be electronic.

Attorney Davenport spoke on Human Signs and Motor Vehicle Signs. He explained that vehicle signage is not a problem if the vehicle is being used for its intended purpose. He explained that Human Signs are a free speech issue so he did not have a resolution to this issue at this time.

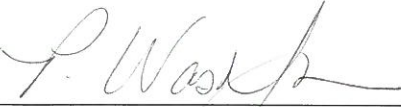
Director Dozier then spoke and explained that the revised ordinance needs to go before the Planning Commission for approval.

Attorney Davenport spoke on Kiosk Signs in the right- of-way. He explained that they will be a challenge and the whole ordinance can be determined unconstitutional.


Mayor Williams then asked if everyone was clear on the discussion

Everyone responded that they were clear.

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



Porscha Washington, Assistant City Clerk



Vince Williams, Mayor