

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, APRIL 19, 2016
7:00 P.M.

Present: Mayor Vince Williams, Councilmembers Brian Jones, Angelette Mealing, Shayla Nealy and Christina Hobbs, City Attorney Dennis Davenport, City Manager Sonja Fillingame and City Clerk Jacqueline R. Cossey

Dept. Heads: Tarsha Calloway – Finance, Nicole Dozier – Community Development, Trey Bennings – Information Technology, Cassandra Jones – Police Chief, Joe Maddox - Fire Chief, Rhonda Jones – Human Resources

Absent: Lee Blich – Parks & Recreation

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 Vince Williams

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

Public comments were made by the following:

Yvonne Barber of 6385 Church Street spoke regarding ongoing problems on Church Street and Walker Street, safety issues for children traveling on Church Street and issues with water billing.

Bonnie Hinton of 6354 Shannon Parkway spoke regarding the hedges on Shannon Parkway should be removed completely and not just remove one row. She added that someone could get hurt. She stated that she spoke with Nakia, Danielle, Karen, Dominique, Cindy and the Mayor and she would like to see flowers planted and not hedges. She also stated that summer is coming and the kids need something to do because school will be out soon.

III. PRESENTATIONS/ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

Presentation by Alex Hofelich of South Eastern Engineering, Inc. regarding Union City's Traffic Study Report

Lonnie Ferguson stated that this investigation was done based on calls, complaints, and accident reports. He added that he wanted to see what could be done to improve the site distance with regards to three intersections. He then introduced Mr. Hofelich.

Mr. Hofelich led this discussion and shared a presentation including three intersections. These three intersections included: Gresham Street at Jonesboro Road, Highpoint Road at Stonewall Drive, and Westbrook Avenue at Harris Street. Mr. Hofelich recommended the following: installing intersection warning signs on

Jonesboro Road with advisory speed plates, fundamentally transform Jonesboro Road, apply for GDOT Safety or LMIG funds to construct a roundabout, change the road name of Segments B & C of Jonesboro Road, change the speed limit of Segment C from 35 mph to 25 mph, and request that Fairburn change the name of Segment D.

Presentation by Fire Chief Joe Maddox regarding the Insurance Service Office (ISO) Audit.

Chief Joe Maddox led this discussion and stated that he began the process in August 2015. He added that in January 2016 he went through the audit process and received a lot of information from Kenneth Johnson and Lonnie Ferguson and assisted with completing the information for the water department. He added that Fulton County Communications did their part and on March 21, he was notified of the results. Chief Maddox stated that out of a maximum of 50 points they are looking at the location of the fire stations, deployment, how far a resident or a business is located from a fire hydrant or a sustainable water source, the type of training that is being provided to the firemen as well as the amount of training that is being provided, the amount of time from the time they receive the call until they get on the scene and how much time they spend on the scene. Chief Maddox stated that the maintenance of the ladder trucks and equipment is also a factor. He added that all of the possible points are added together and our classification was lowered from a 4.9 to a 2.2.Y which is pretty substantial. He further added that records from 2015 indicated that ISO surveyed 12,000 cities in the country and only 1,060 of those have a class 2 rating and we are one of them. Chief Maddox stated in Georgia there are 605 registered fire departments and 35 of those have a class 2 rating. He added that the lower the rating, the lower your insurance premium should be so in July the residents should be able to see a little bit of a saving on their insurance, but it is not only the rating of the fire department; there are other factors such as the location of the homes, building materials, building construction, the age of the people living in the homes. Chief Maddox stated that the biggest factor that they are looking at is your public protection classification. He added that a 1 is as low as you can go and we have a 2.2; however, he and the guys at the fire station are still trying to get that 1.

Mayor Williams stated that this attracts businesses and residents to the City and he and the Council appreciate the hard work that Chief Maddox has done.

City Manager Fillingame stated that she will prepare a press release and put this information on the website.

Proclamation Presented to State Representative Virgil Fludd.

At this time Mayor Williams Presented a Proclamation to State Representative Virgil Fludd. He then presented Represented Fludd with a key to the City.

This presentation was followed by a photo with the Mayor and Council.

Representative Virgil Fludd stated that it was an honor to serve over the last 14 years and he will not be far away. He is so impressed with the leadership and professionalism of this City Council. He concluded that there are over 500 cities in the state of Georgia and very few of them can compete with the talent, expertise,

training, education, and willingness to serve as the people have the privilege of being represented by this City Council.

Proclamation Presented to Damicia Howard.

Mayor Williams presented the proclamation to Damicia Howard.

This presentation was followed by a photo with Damicia Howard, her mother, father, Mayor and Council.

Proclamation Presented to Police Chief Cassandra Jones.

At this time Mayor Williams presented a proclamation to Police Chief Cassandra Jones on behalf of K-9 Officer Pluto.

The presentation was followed by a photo with the Mayor and Council.

Proclamation Presented to Nicole Dozier.

Mayor Williams presented a proclamation to Community Development Director Nicole Dozier on behalf of Economic Development Week.

This presentation was followed by a photo with the Mayor and Council.

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, 3/15/2016
Regular Council Meeting, 03/15/2016
2. Council to consider approval of a resolution in recognition of Georgia Cities Week.
3. Council to consider the appointment of Police Chief Cassandra Jones to the Jail Authority.
4. Council to consider approval of a request to apply for the Assistance to Firefighters (AFG) Grant.
5. Council to consider approval of a request to approve an Intergovernmental Agreement with Fulton County to resurface and stripe Flat Shoals Road and Stonewall Tell Road.
6. Council to consider approval of a Real Property Agreement required by Georgia Department of Transportation (GDOT). Union City Pedestrian System – Phase II – P.I. Number 0006644.

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

V. OLD BUSINESS:

1. Council to consider re-appointment of Jennifer Jones Potts to the Housing Authority Board. (This item was deferred for 30 days during the March 15, 2016 Regular Council Meeting)

During the Called Council Meeting on April 5, 2016 interviews were held and two applicants were appointed to the Housing Authority. Two applicants were also appointed to the Planning Commission.

At this time Mayor Williams asked newly appointed Commissioner and Board members to come up and introduce themselves. The introductions were as follows: Thomas Francis – Housing Authority Board, Eric Merritt – Housing Authority Board, Trevor Cason – Planning Commission, and Robert Potts – Planning Commission.

VI. REGULAR/NEW BUSINESS:

1. Council to consider approval of a request to abandon Campbell Street.

At this time Mayor Williams looked to City Attorney Davenport to provide some background on the matter.

City Attorney Davenport stated that there was documentation distributed in City Council's packet that show a couple of maps and GIS plats to show the layout of where Westbrook Place, Haven Street and Clayborn Street are and with respect to how they bound on either side of Campbell Street. He added that we call this area Campbell Street but it is just two lines on a map and there is no street there. He further added that we had a similar situation about 15 years ago on Shannon Parkway where there was an area near a car dealership and the map showed a road going west but there was no road there. City Attorney Davenport stated that the car dealership wanted to develop that property or sell that property and they came to City Council and asked to amend their title because of the road was causing them title issues. He added that the City responded that we do not have a road there and that it is just two lines on a map so we went through the process to abandon whatever interest we might have had, even though we didn't think we had an interest, because it did effect the title of that person's property. He further added that the City had no desire or plans to put a road there even though it showed it on the map. City Attorney Davenport stated that this is what has happened here. He continued stating that at some point in time somebody put in Campbell Street and it is on the map but it is not a road. He explained that we have had a title searcher to go through the records and they could not find any evidence of property being conveyed to Union City. City Attorney Davenport reiterated that he could find no evidence of the street and because there are two lines on a map in order to alleviate some of this controversy between these two property owners it would be in our best interest to look at possibly abandoning at least this portion of Campbell Street so that half would go to one property owner and half would go to the other property owner. He added that this is only a twenty foot wide strip. He further added that he is not saying that we own it, but to the extent that we

may have an interest in it, this would be a possible solution. City Attorney Davenport explained that in order for the Council to reach a decision to abandon a street, and this included a functioning street and not just two lines on a map, the Council must come to one of two conclusions regarding this portion of Campbell Street: (1) If you find its removal from the municipal street system is otherwise in the best public interest. He added that it is not a street so it would probably be in the best interest of the public to abandon it. (2) If you find it should be abandoned because it ceased to be used by the public to the extent that no substantial purpose is served by it. He added that this street has never been used by the public. He then stated that these are the two tests for abandonment, so if in fact the Council's desire is to abandon the street, they would have to make at least one of those two findings to effect that abandonment in the event that there is no street there.

At this time Mayor Williams recommended abandonment of the street and quit claim 50% to each family and any interest that the City may have goes away because there is no evidence that we have any claim and we have done an exhausted title search and have come up with nothing so this will hopefully alleviate some of the strain on these families to have 50% each and Union City has no interest.

City Attorney Davenport referred to the map and then stated that he wanted to clarify that the portion that he is speaking of is on the west side of what is known as Campbell Street. He added that it is 5180, the Landrum property and the property on the east is the Williford property and length of the property goes further south than those two properties on the map, but we are not talking about the entire length of the street, we are talking about that portion that is in common with both of those properties. He further added that where the Landrum property stops is where the abandonment would stop.

Mayor Williams stated that he would like to give the Landrums and the Willifords an opportunity to speak.

Alice Landrum of 5180 Westbrook Place stated that Mr. Williford put a fence up across Campbell Street and it used to be a dirt street, but she owns the property and the property behind it and she would like his fence to be put on his property.

Mayor Williams stated that he understands what she is saying but the City is not involved in this.

Ms. Landrum stated that she understands that this is going to be her battle.

Mrs. Patsy Williford stated that she is on the other side of the property and according to the plat that she obtained from Fulton County her property goes 213 feet from one end to the other, and when it gets to the Landrum property that is half way in her driveway. She added that she wants to know how they determined where Campbell Street was to begin with. She further added that she obtained a measure meter, which she assumes is accurate, and she measured it today.

Mayor Williams stated that this is exactly why he is suggesting to the Council that the City stays out of this dispute because we have no interest in this matter and to allow

the neighbors to work this out amenable and if they cannot do so they can go to court, but Union City has no interest in the matter.

Mrs. Williford stated that she was still confused. She then asked who would determine where Campbell Street was. She then asked if it would be up to Ms. Landrum to get a survey.

Mayor Williams stated that it would be between both parties to work that out, but the City has no interest in the matter.

Mrs. Williford asked why would the City only abandon a portion of the street and not the entire street.

City Attorney Davenport stated that the only way the City could even abandon the street is to notify all adjacent property owners and because letters only went out to the Landrums and the Willifords we are dealing with that portion that they have in common. He added that the fact is there may or may not be a dispute along the entirety or the rest of Campbell Street, but we do not know and to his knowledge there is no desire by the Mayor and Council to develop any part of Campbell Street. He further added that this is just a legal impediment that keeps us from abandoning even more of it than just that portion because of notice issues.

Mrs. Williford stated that she would not like for the street to be abandoned because her family owns property on McKinley which is behind the Westbrook property and they would like to have access off of Westbrook Place to that property.

Attorney Davenport explained that in order for anyone to access McKinley to Campbell Street, McKinley would need to be constructed and Campbell would need to be constructed in order to tie in to Westbrook Place.

Mayor Williams stated that this is not something that he can see the City doing because we have no desire or request to build or construct anything.

City Attorney Davenport stated that the strips are twenty feet and the City's minimum standard size for right-of-way is sixty feet so if we go to do any road projects we would need to acquire a right-of-way even if this footprint belonged to the City.

Mayor Williams stated that he thought that this would be the most amenable thing to do while being respectful to both parties and each party would obtain 50% and hopefully these neighbor can work it out.

Mrs. Williford stated that when the City fixed the drainage issue, which was wonderful, Ms. Landrum was under the impression that the fence was moved over on her property, but the fence has been in the same spot for twenty-five years and has never been moved.

On motion of Councilmember Nealy, seconded by Councilmember Hobbs and carried, the aforementioned portion of Campbell Street was abandoned because it is otherwise in the best public interest. Vote was unanimous.

2. Council to determine how far to go back and adjust for incorrect sewer charges for The Landings sewer adjustments.

Finance Director Tarsha Calloway led this discussion and stated that this item is regarding an error that was made for sewer charges for the Landings. She added that this is the first time that we have come across something of this nature where the meter size in the ground was different from the meter size in the system for sewer. She further stated that she met with representatives from the Landings and discussed different options. She then stated that the option that she is recommending for this customer is a three year credit on their account. She concluded that this went back from 2008 prior to her arrival.

Mayor Williams stated for the record that this is something that occurred in 2008. He added that this was brought to our attention while we were doing a lot of improvement around the City. He further added that he is proud of the finance department for accepting the error and bringing it to the Council's attention.

Mrs. Calloway stated that she is currently having the water department to go through to check all of our businesses and hotels to make sure that the data matches so that this will not happen again.

Councilmember Mealing asked for the dollar figure owed.

Mrs. Calloway stated the amount is over \$50,000 but the exact number is in the packet.

Councilmember Mealing stated that she would want all of her money, but she is happy that they are accepting the credit.

Mayor Williams stated that the representatives agreed to a three year credit.

Councilmember Jones asked if the infrastructure needs to be upgraded.

Mrs. Calloway stated that it has already been changed in the system, but the infrastructure is still the same, however, it was in the system incorrectly.

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

3. Council to determine how far to go back and adjust for incorrect sewer charges for septic tank sewer adjustments.

Finance Director Calloway also led this discussion and stated that this issue has come up before. She added that there were a few residents that had septic tanks that were being charged for sewer. She further added that this particular customer was being charged since 2011. Mrs. Calloway stated that she has no recommendation for this

situation, however, she needs the Council's guidance and direction on how to handle this situation.

Mayor Williams stated that we must come up with a stringent policy that will be enforced so that staff will have the opportunity to refer to the policy. He added that if you are a customer and you are being charged for sewer and you know that you are on septic, and you get a bill each month that says sewer; there is a level of responsibility on that customer. Mayor Williams stated that this is different from the apartment complex so we need to be methodical and also fiduciary in making sure that we create a policy that will not harm the City but will also put some responsibility back where it belongs.

Councilmember Hobbs asked if the resident challenged the bill when they first received it.

Mrs. Calloway responded, "No Ma'am."

After a brief discussion regarding the how far the Council should go back and adjust sewer charges, Councilmember Nealy asked when a resident comes and asks for service, do we not have GIS information that will be able to let them know if they can tie on to our sewer or if they have septic. She added that this should be our responsibility to figure out whether we should charge them or not, so unfortunately she understands receiving a bill and being fiscally responsible and knowing what she has on her property, but at the same time she should not have received a bill.

Mrs. Calloway stated that the City recently obtained a GIS system approximately a year ago and Lonnie Ferguson is trying to tie all of that information together, but she would have to defer to Mr. Ferguson regarding GIS. She added that usually it is in the system because it is the same addresses over and over again so it depends on how it is already in the system. Mrs. Calloway stated that if it is a new residence, she will get all of the information from Community Development and enter it into the system. She added that there are different areas in the City that we can provide sewer to and some that we cannot. She further added that there are some areas that we cannot provide water, but we do not have a lot of concrete data that we can go to in order to look it up. Mrs. Calloway stated that she has to consult with the different departments.

Councilmember Mealing stated that it is safe to say that this will come up again.

Mrs. Calloway stated that it is a possibility which is why they need to establish a policy to follow on a daily basis so that they do not have to continue to come before the Council.

Councilmember Mealing stated that we should look at all of our policies.

Mrs. Calloway stated that she is looking for direction from the Council to see how far to go back with whether it is a water adjustment or a sewer adjustment and they will follow the policy once put in place.

Councilmember Jones stated that he thinks that the Council should come back with a policy in 30-days because it is too many moving parts to come up with a policy while

sitting here right now. He then recommend using the same logic from the last time we had this issue.

On motion of Councilmember Jones, seconded by Councilmember Nealy and carried, Council agreed to develop a policy within the next 30-days.

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, Mr. Scott received a full refund for the amount owed. Vote was unanimous.

4. **Public Hearing** to consider approval of the 2016-2020 Union City Comprehensive Plan.

Community Development Director Nicole Dozier stated that the draft of the Comprehensive Plan would not be discussed tonight, but it would be further refined for another time. She then introduced Sidney Douse from Atlanta Regional Commission (ARC) to speak regarding the new Comprehensive Plan process enacted by Department of Community Affairs (DCA).

Mayor Williams asked if this item would be coming back next month because he is not sure if anyone was present for this public hearing.

Mrs. Dozier stated that she is thinking about bringing it back in June, hopefully.

Sidney Douse, Senior Planner of the Atlanta Regional Commission, state that ARC had two stakeholder meetings and two public meetings since the spring and they have taken a lot of the input from those meeting into the new document. He stated that the three things to remember from DCA are: community goals, needs and opportunities, and community work programs are the three main elements that you will see. He stated that DCA has greatly changed the rule censure plan in 2010. He stated that there is a smaller emphasis on demographics and a bigger emphasis on implementation. Mr. Douse stated that with regards to work programs the goals and needs, opportunities, and all policies need to tie into the work program and they are currently making sure that the work program for the next five years is as accurate as possible and every five years that work program has to be updated. He added that the previous plan had a lot of detail and did not focus on what you can do but what was possible and this plan is going to be really streamlined. He concluded that he will be adding a section on past plans.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

City Manager Reports:

- Comcast Release Settlement Agreement

City Manager Fillingame stated that an issue came up recently regarding some damage caused by Comcast and if it is the pleasure of the Council she would like for Mr. Ferguson to brief the Mayor and Council on the damage. She added that Comcast has essentially acknowledged the damage and they would like to pay in order to have Union City to repair it. She further added that they have submitted an

agreement which has gone to the City Attorney and he can answer any questions that the Council may have.

Mr. Ferguson briefed the Council on an incident where Comcast bored their line through a storm drain line and they will remove it and relocate and we will hire a contractor to repair the damage and they will reimburse us with a settlement.

City Attorney Davenport stated that this is a standard release form. He added that whenever somebody pays money they insist on a release, this is not a problem. He concluded that the amount is \$3,274.19. He then asked for a motion for approval.

On motion of Councilmember Mealing, seconded by Councilmember Hobbs and carried, the aforementioned settlement agreement with Comcast in the amount of \$3,274.19 was unanimously approve.

- Employee Appreciation Day

City Manager Fillingame acknowledged that we celebrated Employee Appreciation Day today and had a reception for the employees and we have done so for the last three years now. She then stated that Administrative Assistant day is coming up so she would like to acknowledge Danielle Bostic and Cindy Givens as well as so many others that are not here but play a vital role and we appreciate the hard work that they do every day.

VIII. OTHER BUSINESS:

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Councilmember Hobbs provided the following comments:

- Thanks were given to the department heads and staff for all that they do
- Recognition was given to National Nutrition Month
- Recognition was given to the Union City Fit Break and health walk
- Thanks were given to Rhonda Jones for her weekly wellness tips
- A reminder was extended to all to come out on April 23rd to the Community Health Day at Ronald Bridges Park

Councilmember Mealing provided the following comments:

- Thanks were extended to the residents for coming to the meeting
- Many thanks were extended to Representative Virgil Fludd serving Union City so well
- A great appreciation was received for the presentation by Ms. Cookie Smoak
- Many thanks was given to Nicole Dozier for Union City's ad in the Magazine
- The groundwater wells presentation was found interesting
- Recognition was given to the Fire Department for a great ISO Rating
- Thanks were extended to Police Chief Jones for coming on board

- Recognition was given to Damicia Howard for her hard work and willingness to share her books
- Recognition was given to Union City's Baseball Opening Day and Parade
- An invitation was extended to all to join Union City's Health Day
- Recognition was given to the beautiful Shannon Parkway
- Code Enforcement was urged to keep the streets clean
- An invitation to join an evening City-wide walk on May 19th at 7:00 p.m. was extended to all

Councilmember Jones provided the following comments:

- Congratulations were extended to the police officers that were recently promoted
- Many thanks were given to Representative Virgil Fludd for his leadership, friendship, and commitment to serve the residents in South Fulton, Fayetteville and Tyrone
- Thanks was given to staff for all that they do

Councilmember Nealy provided the following comments:

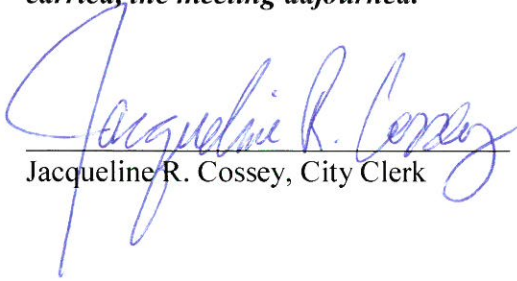
- Thanks were extended to everyone for coming out and staying engaged
- Recognition was given to Parks and Recreation Team for a great Opening Day
- Congratulations were extended to those who received new appointments
- Thanks were extended to Representative Virgil Fludd for 14 years of service
- Best wishes were extended to the candidates in the audience
- Hugs and love were sent to handler Messer for the loss of K-9 Officer Pluto
- Thanks were extended to Fire Chief Maddox for the ISO Audit
- Thanks were extended to Police Chief Jones for the updates
- Regrets were made that she will be unable to attend the lunch break walks
- Regrets were made that she would be unable to attend the Health Day
- An invitation was extended to the residents to attend the paint class on Thursday
- An invitation was extended to the residents to attend a TSPLOST public information meeting that GDOT is hosting on April 28th at 6:00 p.m.

Mayor Williams provided the following comments:

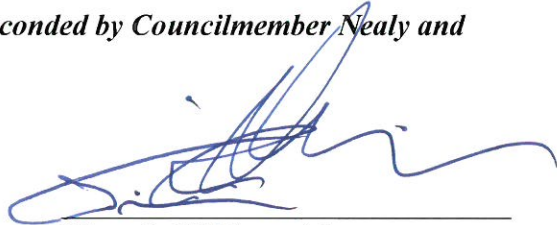
- A warm welcome was extended to Assistant City Clerk, Ms. Shandrella Jewett
- Thanks were extended to Representative Virgil Fludd for his outstanding service
- Many thanks were extended to Police Chief Jones for serving Union City well
- Many thanks were extended to Fire Chief Maddox for a great ISO rating
- Congratulations were extended to the newly appointed Commissioners and Board members
- Recognition was given to Damicia Howard for her community service
- Thanks were extended to the Union City Team for all of their hard work
- Recognition was given to the Employee Appreciation Day celebrated today

X. ADJOURNMENT:

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



Jacqueline R. Cossey, City Clerk



Vince R. Williams, Mayor