

UNION CITY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, MAY 17, 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, Cassandra Jones – Police Chief, Joe Maddox - Fire Chief, Rhonda Jones – Human Resources

Absent: Lee Blich – Parks & Recreation and Trey Bennings – Information Technology

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 Councilmember Brian Jones

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, the lack of public safety, crime concerns and quality of life concerns.

III. PRESENTATIONS/ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

A Proclamation to designate May 21st, 2016 as Kids to Parks Day

Mayor Williams stated that this proclamation will be sent to the requesting party.

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: Called Council Meeting, 4/05/2016
Worksession Meeting, 4/19/2016
Regular Council Meeting, 04/19/2016
2. Council to consider approval of the proposed transportation project list.

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

V. OLD BUSINESS:

(Items 1 & 2 were deferred for 60-days during the March 15, 2016 Regular Council Meeting.) *On May 3, 2016 the applicant requested to withdraw his request.*

1. **Public Hearing** to consider the annexation of 4.72 acres of property located at 4910-4950 Derrick Road into Union City by Thomas Murtaugh. *(Planning Commission Recommends Approval)*
2. **Public Hearing** to consider rezoning 4.72 acres of property located at 4910-4950 Derrick Road from Fulton County AG-1 to Union City Town Center Mixed Use (TCMU). *(Planning Commission Recommends Approval)*

On motion of Councilmember Nealy, seconded by Councilmember Jones and carried, both of the aforementioned withdrawals were unanimously approved.

VI. REGULAR/NEW BUSINESS:

1. Council to determine how far to go and adjust for incorrect sewer charges for septic tank sewer adjustments. *(This item was deferred for 30-days during the April 19, 2016 Regular Council Meeting to develop a policy)*

Mrs. Calloway stated that she wanted to confirm that the policy would be for any adjustment to include water and sewer.

Mayor Williams stated that this was discussed a little during the last meeting and he wanted to suggest three months for staff to have as a guide to refer to, but we have not tied into the GIS factor yet, so that gives us time to correct that issue. He then reiterated three months as a suggestion for how far back to go and adjust for incorrect sewer charges for septic tank, sewer adjustments, water charges and water adjustments.

Councilmember Jones clarified that this policy would begin from today and forward, so if anyone comes in after today we would only go back three months.

Mrs. Calloway confirmed that this is not just for septic tanks, but in general.

Mayor Williams stated that this is for water, septic and sewer.

At this time City Attorney Davenport recommended that when that type of time frame is put in place there is always a possibility of extenuating circumstances that could militate to take someone out of that 90-day period. He then suggested that the Mayor and Council should have some type of appeal process so that someone could appeal that decision to the Mayor and Council. He added that if the Mayor and Council likes the appeal process, the resident would have a 30-day window to appeal the decision of the maximum 90-days and they would come to the Mayor and Council to plead their case and the Council would give them whatever relief they deem necessary. City Attorney Davenport stated that gives the process he was given a blank slate

to put something together and he has a bare structure. He then asked if it would be prudent to bring back something better to the next meeting in June.

Council was agreeable.

On motion of Councilmember Nealy, seconded by Mealing and carried, Finance Director Calloway, was charged with the development of a document to assist with the sewer and water adjustments to include an appeals process.

2. Council to consider reviewing and revising The Code of Ordinance, Chapter 9 Section 9-17 with regards to salespersons, solicitors, and peddlers; registration.

City Attorney Davenport stated that this was discussed during the Worksession and Council decided to bring this back during the June Council Meeting with an updated verbiage for this section.

On motion of Councilmember Mealing, seconded by Councilmember Hobbs and carried, the aforementioned item would return in 30-days. Vote was unanimous.

3. **Public Hearing** to consider approval for an Alcoholic Beverage License application submitted by Asfiya Ahmed for package sales of malt and vinous liquors for Royal Enterprises USA, Inc. d/b/a Exxon 6687 Roosevelt Hwy., Union City, GA.

Britney Horne led this discussion and stated that this request would serve as a name change of the existing alcoholic beverage license for Exxon located at 6687 Roosevelt Highway. She added that the original applicant, Asfiya Amed, will remain the same however, the trade name of the business will change to Royal Enterprises Inc. d/b/a Exxon. She further added that the location was previously approved for package sales of malt and vinous liquors license at the March 15, 2016 Council Meeting. She concluded that all of the administrative requirements have been met and staff recommends approval.

Public Hearing Opened.

No one came forward.

Public Hearing Closed.

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

4. **Public Hearing** to consider approval of a requested variance to allow a temporary 40 foot buffer for parcels 09F330101480545 and 09F330001470422.

Mrs. Dozier led this discussion and stated that the applicant, Majestic Realty, represented by The Galloway Law Group seeks a variance to temporarily encroach 10 feet into the required 50 foot buffer as per the land development requirements in the City Ordinance. She added that the property is located at 6055 South Fulton Parkway

and staff recommends approval. She concluded that the applicant was present to provide a brief presentation.

Public Hearing Opened.

Lauren Hansford with the Galloway Law Group provided a brief presentation on behalf of Majestic Realty regarding the requested variance.

Public Hearing Closed.

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

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to amend Article IV Section 6-11 General Commercial in order to allow clinics as a permitted use. **(Planning Commission Recommends Approval)**

Mrs. Dozier led this discussion and stated that this is a text amendment to allow clinics to be a permitted use within the General Commercial district.

Public Hearing Opened.

No one came forward.

Public Hearing Closed.

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

2. **Public Hearing** to approve the changes to Article XI – Sign Ordinance and Article III Interpretation and Definitions in order to provide clarity and update the existing text. **(Planning Commission Recommends Approval)**

Mrs. Dozier also led this discussion and stated that there was one modification on page eleven to change the sign size requirement and eliminated the 200 square foot maximum.

Public Hearing Opened.

No one came forward.

Public Hearing Closed.

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

City Manager Reports:

- Walk Meet-up canceled due the anticipation of rainy weather

VIII. OTHER BUSINESS:

Council to consider approval of a contract with ATL Airport District Inc.

City Attorney Davenport stated that last month a representative from the Atlanta Airport District, Cookie Smoak, provided a vibrant and exciting presentation that East Point and College Park have taken advantage of. He added that they are called a destination marketing organization. He added that there is an increment available in our hotel/motel taxes that we collect at 5% and we can use that increment from 3% to 5% to pay those funds for that type of service to a non-profit entity which is what they are. Attorney Davenport stated that the attorney for ATL Airport District Inc. sent him a document and wanted to know if Union City is interested in being a part of that organization and join East Point and College Park. He added that this agreement is much like what those two cities have and we would be using that increment from 3% to 5% to pay for these services which we collect through hotel/motel tax and it will be for a three year period. He then asked for Council's direction.

After a brief discussion the Council agreed upon a one year contract with two renewable terms unless any type of notice is given to terminate.

Mayor Williams stated that most of our contracts are for three years.

Councilmember Jones stated that based on everything that he saw in the presentation he is fine with the amendments as stated by his colleagues.

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, council agreed to a one year contract with ATL Airport District Inc. with two renewable terms unless any type of notice is given to terminate.

IX. REPORTS & ANNOUNCEMENTS FROM THE MAYOR & COUNCIL:

Councilmember Nealy provided the following comments:

- Thanks were given to everyone for attending the meeting
- Accolades were given for a great turn out for Live, Love & Paint Class
- Regrets were extended to Rhonda Jones for being unable to attend daytime events
- A request was made to be kept informed with new developments, especially in her area
- Recognition was given to the development in the mall area
- Many thanks were extended to staff for all that they do

Councilmember Jones provided the following comments:

- Congratulations were extended to all 2016 graduates
- Recognition was given to the young men who received information regarding the proper use of credit cards and how to build credit
- Recognition was given to C. H. Gullet for a new school
- Light was shed upon the illegal dumping in Union City

- Many thanks were extended to staff for all that they do

Councilmember Mealing provided the following comments:

- Many thanks were extended to everyone for coming out
- Everyone was encouraged to vote on May 24th
- Accolades were given for a great Live, Love & Paint Class
- Encouragement was provided for additional health challenges
- Accolades were extended to the Police Department for a successful Self-Defense Class
- Recognition was given to a successful Health Fair
- Many thanks were extended to staff for a great job

Councilmember Hobbs provided the following comments:

- Thanks were extended to staff and the Department Heads for all that they do
- A special thank you was extended to Public Works Staff for National Public Works Week
- Greater Atlanta Economic Alliance Annual Conference on May 24th at Atlanta Metropolitan State College (free)
- Blue Book Building and Construction Network Annual Showcase at Turner Field on June 9th from 12:00 p.m. to 6:00 p.m. (free)
- Everyone was encouraged to vote on May 24th

Mayor Williams provided the following comments:

- Many thanks were extended to staff for going above and beyond
- Mid-year Strategy Meeting has been set for June 2, 2016 @ 6:00 p.m. downtown
- Proactive alert from Fulton County regarding the Zika Virus
- First event with Banneker & 100 Black Men was successful
- Successful Community Health Day
- Successful Live, Love & Paint Class – next time Auction
- Successful Self-Defense Class
- Early vote if possible, but vote on May 24th
- Nia Williams is going to Europe -Study Abroad Program
- Thanks were extended to Yvonne Barber
- Thanks were extended to Minister Lane
- Thanks were extended to Minister Lane's church for their partnership for Community Health Day

City Attorney Davenport stated that he needed to enter into Executive Session for one item regarding pending litigation and to review the Executive Session Minutes from March 15, 2016.

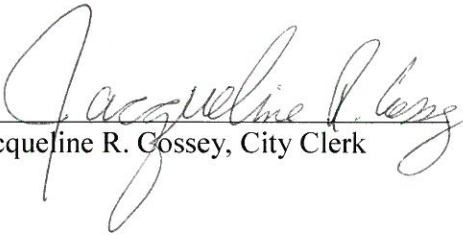
On motion of Councilmember Nealy, seconded by Councilmember Mealing and carried, Council entered into Executive Session for one item regarding pending litigation and to review the Executive Session Minutes from March 15, 2016. Vote was unanimous.

On motion of Councilmember Jones, seconded by Councilmember Nealy and carried, Council reconvened to regular session. Vote was unanimous.

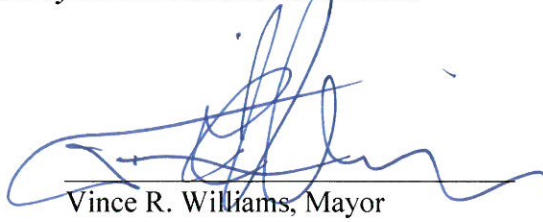
On motion of Councilmember Nealy, seconded by Councilmember Mealing and carried, the Executive Session Minutes from March 15, 2016 were unanimously approved.

X. ADJOURNMENT:

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



Jacqueline R. Gossey, 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 17 day of May, 20 16.

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.

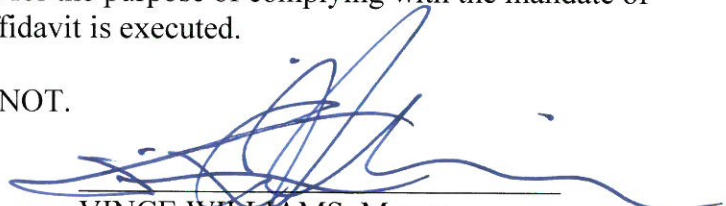
3.

The subject matter of the closed meeting or closed portion of the meeting held on the 17 day of May, 20 16, which was closed for the purpose(s) of 1 item regarding Pending litigation + review executive session minutes from March 15, 2016, as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

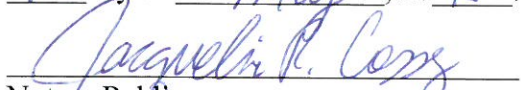
4.

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

Sworn to and subscribed before me this 17 day of May, 20 16.


Notary Public

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