

UNION CITY
REGULAR COUNCIL MEETING MINUTES
TUESDAY, JULY 17, 2018
7:00 P.M.

PRESENT:

Mayor Vince Williams
Mayor Pro Tem Brian Jones
Councilmember Angelette Mealing
Councilmember Shayla Nealy
Councilmember Christina Hobbs
City Attorney - Dennis Davenport
City Manager - Sonja Fillingame
Assistant City Manager - Tarsha Calloway
City Clerk - Shandrella Jewett

STAFF PRESENT:

Linda Goodman - Finance Director
Ellis Still - Community Development Director
Lonnie Ferguson - Public Services Director
Lee Blicht - Parks and Recreation Director
Joe Maddox - Fire Chief
Cassandra Jones - Police Chief
Trey Bennings - Information Technology Manager

ABSENT:

Rhonda Galloway – Human Resource Manager

The meeting was called to order at 7:00 p.m.

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Minister Lane

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

- Kathy Butler, 2216 Jenny Drive – Spoke regarding taxes
- Andra Fisher-Ray, 549 Dasheill Lane - Spoke regarding TCMU
- Wanda Mosley, 4689 Creekside Cove – Spoke regarding environmental and infrastructure concerns
- Harold Mitchell, 5114 Rapahoe Trail – Spoke regarding amending the City’s Zoning Ordinance
- Tonya Isles, 5147 Rapahoe Trail – Spoke regarding emergency response time
Battalion Chief/Public Information Officer, Dennis Moore, provided feedback in regard to response time of the Fire Department and Ms. Isle’s interaction with 911 Communications. A report will be provided to Council.
- Rickey Sewell, 519 Eagles Point – Spoke regarding fireworks and public safety resources. Thanked Union City’s Police and Fire Department for attending the community meeting held in June
- Dorothy Ward McCrimmon, 6770 Buffington Road, #1402 - Spoke regarding unfinished sidewalk on Buffington Road
- Keith Browne, 4959 Rapahoe Trail – Spoke regarding taxes and millage rate
- Gail Jackson, 4969 Rapahoe Trail – Spoke regarding trash and lawn maintenance

III. PRESENTATIONS/ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

- Announcement and Recognition of Employee of the Month
Rafael White (Parks and Recreation Department) received the Employee of the Month Award
- Recognition and Acknowledgement of TenCate
A representative was not present to speak. Therefore, the item will be placed on the August agenda.
- 2018 Interns Presentation
 - ♦ Alexander Dukes – Worked in Finance and Utility Department. Graduated from Langston Hughes High School and will be attending Georgia Southern (Business Administration) in the Fall
 - ♦ Zari Ross – Worked in Operations and Marketing Department – Attends Creekside High School and dual enrolled at Georgia State University

- ♦ Jasmine Grace – Parks and Recreation Department – A rising senior at Westlake High School
- ♦ Dashun Bona’ – Public Services Department – A rising senior at Creekside High School
- ♦ Shanika Cole – Community Development Department – First year graduate student at Alabama A&M University

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.

IV. CONSENT AGENDA

- A. Council to discuss an amendment to the time for picking up public comment cards and returning them.
- B. Approval of the Minutes:
 - 06/19/18 - Work Session Meeting
 - 06/19/18 - Regular Council Meeting

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

V. REGULAR/NEW BUSINESS:

- A. Council to consider the utility adjustment request of Renee Hall.

Director Goodman led the discussion. Ms. Hall was present and spoke on behalf of her water bill which she said was too high. The Utility Division reviewed the billing reports for the billing cycle of January 7, 2018 – February 6, 2018. Staff notified Ms. Hall that her meter was turning based on the billing reports and she was instructed to contact a plumber.

April 3, 2018 – Ms. Hall contacted the Utility Division to inform that the plumber found no leaks.

April 17, 2018 – Utility Division received Ms. Hall’s dispute form

April 18, 2018 – Public Services conducted a flow test

April 19, 2018 – Flow test results mailed to Ms. Hall indicated the bill was consistent with the readings.

The dispute was denied due to a leak on her property, and Ms. Hall was given options.

May 10, 2018 – Utility Division contacted Ms. Hall regarding the dispute letter

May 12, 2018 – Ms. Hall requested an adjustment and a new meter

The item was tabled for 30 days.

- B. Council to discuss current ordinance for recycling clothing boxes around the City.

Mayor Williams led the discussion regarding clothing boxes becoming a serious problem in the City.

Non-clothing items such as trash, rubbish, etc. are being placed in and around the clothing boxes.

Attorney Davenport advised Council that some jurisdictions allow clothing boxes and some don’t

because of the non-clothing items. Councilmember Hobbs said that there are agencies and churches that

will come to the resident’s home and pick up donated items or the residents can drop the items off to the

agencies. There must be tighter regulations as to how the boxes are maintained. Mayor Williams asked

Attorney Davenport to research the matter and check the ordinances and zoning codes.

Council will revisit the item in 60 days.

- C. Presentation by “Step-Up Girls” Mentorship Program.

Ms. Lydia Glaize (Board Member) and Ann McMikel (Executive Director) spoke regarding Step Up-Atlanta Program and their pilot school program at Benjamin Banneker High School. The 20 year non-profit program empowers women to inspire girls. The organization is requesting assistance from local

businesses and municipalities to help underwrite some of the costs they have regarding to the program at Benjamin Banneker High School. Ms. McMikel requested a \$5,000.00 contribution to assist with the financial burden.

Council said they would follow up with Ms. Glaize and Ms. McMikel.

D. Presentation by Fulton County Community Development.

Director Frankie L. Atwater, Sr. spoke regarding the mission of the Department of Community Development which is to “create strong, sustainable and inclusive communities and alleviate the causes and conditions that lead to homelessness in Fulton County.” Mr. Atwater further discussed the following:

- Coordination and development of resources and partnerships, both internally and externally through Community Services Program (CSP).
- CSP Service Categories: Economic Stability/Poverty, Senior Services, Children & Youth Services, Homelessness, and Disabilities.
- Fulton County’s vision, which is to “create housing and community development opportunities across the County through investments and partnerships that enhance sustainability and build a solid foundation for future generations.”

E. Council to discuss a draft ordinance that would prohibit the use of vehicle immobilization devices or booting, within the jurisdiction of Union City.

Mayor Williams led the discussion as it relates to the current booting ordinance and the fine that is charged per vehicle/truck. A few of the business owners and booting companies were present. Mayor Williams asked Attorney Davenport to speak in regarding the booting ordinance.

Attorney Davenport stated, “Union City currently has an ordinance that allows property owners to engage in relationships with booting companies to have them boot vehicles on their property under their terms and conditions.” “It is being done by private companies under contract with private property owners and Union City has regulations in place for the booting companies to let Union City know who they are, and give the City a copy of their contracts. Signage must be posted letting the traveling public know that this is a private parking lot.” If someone is not conducting business, he/she will be subject to being booted. Trucks are charge \$500.00 and automobiles are charged \$150.00. Attorney Davenport explained that this is not a fine from the City. The fine is paid to the booting companies by the owner of the vehicle/tractor trailer.

Attorney Davenport also advised Council that there are other jurisdictions that have similar ordinances and the dollar amounts fluctuate. Some jurisdictions prohibit the activity completely. This past session, the Georgia Legislature considered putting a law on the books to address the booting issue. A law was considered that would allow cities to opt in to allow this activity to occur if they chose to do so, otherwise it would not occur in a jurisdiction. That law never passed. However, it is reasonable to presume that something will come up in the next session addressing the issue.

Mayor Williams allowed business owners and booting companies that were present to speak.

- Ms. Tina, Assistant Manager at Walmart - 4735 Jonesboro Road – Spoke in favor of booting ordinance
- Hank Thomas – The Sembler Company (property manager for Kroger’s parking lot) – 4550 Jonesboro Road – Spoke in favor of the booting ordinance

- Leroy Calhoun - Property owner of 6812 Shannon Parkway – Spoke in favor of the booting ordinance and regarding trucks parking in the old Spinners building parking lot. He said the parking lot is not designed to handle big trucks.
- Kenny McElwaney - Maximum Booting Company – Spoke in favor of the booting ordinance and said parking lots are looking better and the companies are satisfied with the services provided
- John Page - Buckhead Parking Enforcement, 4788 Jonesboro Road - Spoke in favor of the booting ordinance and how business owners can't afford to pay for the repaving of their grounds.
- Bart Lindy - Owner of Southside Wrecker Service – Spoke against the booting ordinance. Mr. Lindy recommended that the City look at the Georgia State Law that follows the abandoned motor vehicle towing process and use that as a guideline.
- Zack Marsh – Secure Parking Enforcement – Kroger's parking lot at Shannon Crossing Shopping Center. Spoke in favor of the booting ordinance.

No Action was taken, but Councilmember Jones recommended that the fees for vehicles be lowered to \$75.00 instead of \$150.00. Councilmember Hobbs asked for more time to review the Georgia State Law 40-11.

On motion of Councilmember Nealy, seconded by Councilmember Hobbs and carried, Council agreed to table the item for 30 days. Vote was unanimous.

- F. Council to consider a request to enter into a Transportation Enhancement (TE) Agreement between GDOT and Union City; Pedestrian System Phase II; Project No. CSTEE-0006-00(644), P.I. 0006644.

Director Ferguson advised Council that the project consists of resurfacing, adding new sidewalks, and drainage improvements at the following locations:

- Dodson Road – Between Westbrook Road and Flat Shoals Road
- Union Street – Between Goodson Street and Summer Brooke Court

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, Council gave approval to enter into a Transportation Enhancement (TE) Agreement with GDOT. Vote was unanimous.

- G. Council to consider a request for approval and adoption of Resolution 2018-09 authorizing Union City, Georgia and Georgia Department of Transportation to contract for funding under the Transportation Equity Act for the 21st Century (TEA-21). P.I. 0006644.

On motion of Councilmember Jones, seconded by Councilmember Hobbs and carried, Council approved and adopted Resolution 2018-09. Vote was unanimous.

- H. Mayor and Council to consider approval to enter into a Memorandum of Agreement between the Atlanta Regional Commission and the City of Union City for the planning and development of a Guidance Manual for a Community Garden.

On motion of Councilmember Mealing, seconded by Councilmember Jones and carried, Council gave approval to enter into a M.O.A. with Atlanta Regional Commission. Vote was unanimous.

- I. **Public Hearing** to consider a petition for variance from the Stream Buffer Protection Requirements as it relates to encroachment into the City's 75 ft. impervious cover setback and 50 ft. undisturbed buffer adjacent to an intermittent stream located along the western side of the applicants proposed development. *(Staff Recommends Denial)*

Director Still advised Council that the petitioner would like to defer the item until the next Council Meeting in August 2018.

Jordan Edwards, 3500 Lennox Road, Atlanta, GA – Requested Council to consider deferring the item until the next Council Meeting.

On motion of Councilmember Mealing, seconded by Councilmember Hobbs and carried, Council tabled the item for 30 days.

VI. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

- A. **Public Hearing** to consider a request for approval to amend the Official Zoning Map for rezoning of 101.79 acres located at the intersection of South Fulton Parkway and Highway 92 from General Commercial (GC) to Town Center Mixed Use (TCMU). *(Planning Commission Recommends Denial and Staff Recommends Approval with Conditions). (The item was tabled for 30 days).*

Director Still led the conversation by summarizing the uses that were proposed on the above mentioned property. A Powerpoint presentation was shared with Mayor and Council.

Attorney G. Douglas Dillard and Dane Pryor, 1230 Peachtree Street, N.E., Suite 1200 - Spoke on behalf of the petitioner, PDC Atlanta. A Powerpoint presentation was shared with Mayor and Council.

Public Hearing Opened

The following spoke in favor of:

- G. Douglas Dillard, Esquire – Law Firm of Pursley, Friese, Torgrimson, LLP – 1230 Peachtree Street, Suite 1200
- Dayne Pryor, 3695 Greg Abbey Drive
- Robb Ross, Kimley-Horn and Associates, Inc., 817 W. Peachtree Street, Suite 601 - Spoke regarding the Traffic Study
- Mark Lindenbaum, 3984 Whittington Drive, NE – Commercial Realtor for the property
- Scott Prigge, 3715 Northside Parkway – Shared with Council that they had the property for nine (9) plus years and nothing has been built on the property
- Reed Davis, 2380 Sandell Drive
- James Scarborough, Stonewall Tell Road - Land owner/resident – Time for things to start rolling

The following spoke against:

John Taylor, 5512 Rosewood Place	Lawana Twaitts, 5341 Rosewood Place
Gail, 855 Raventree Court	Malita McKinley, 5464 Rosewood Place
Skyler Evans, 5245 Rosewood Place	Tamara R, 5460 Rosewood Place
Jeanie Mallory, 5600 Indian Trace	Keith Browne, 4959 Rapahoe Trail
Richard Butler, 2216 Jeanie Drive	Denise Anderson, 5160 Bolster Trace
Sylvester Hitchcock, 5204 Rosewood Place	Chaune' Williams, 7298 Parkland Bend
Tiffany Bosman, 327 Cobb Hill Drive	Wanda Mosley, Creekside Subdivision

Rebuttal by G. Douglas Dillard

Public Hearing Closed

Councilmember Jones spoke regarding the pros and cons of the request to amend the Official Zoning Map for rezoning of 101.79 acres.

On motion of Councilmember Jones, seconded by Councilmember Hobbs and carried, the request to amend the Official Zoning Map for rezoning of 101.79 acres at the intersection of South Fulton Parkway and Highway 92 from GC to TCMU was denied. Vote was unanimous.

- B. **Public Hearing** to consider a request to amend the zoning ordinance pertaining to the density and uses for the Town Center Mixed Uses (TCMU) and Town Center Multifamily (TCMF) Zoning Categories. *(Planning Commission Recommends Approval and Staff Recommends Approval)*

On motion of Councilmember Nealy, seconded by Councilmember Jones and carried, the (with contingency)

Public Hearing Open

Director Still led the discussion and asked Council how they would like to structure the change to the Zoning Ordinance to revise provisions for permitted uses and density requirements in the TCMU district, to revise provisions for density requirements in the TCMF district, and to promote the public health, safety, and welfare (and other purposes) for the City.

In the TCMU, the single family detached will be added. The current ordinance reads Single Family Detached and the revised ordinance would read Single Family Attached

The following spoke in favor of the item:

- Chris Dougherty, 635 Mt. Vernon Highway – Spoke regarding Single Family Detached in TCMU being placed back in the ordinance.
- John Little, 6000 McCure Road

Public Hearing Closed

On motion of Councilmember Nealy, seconded by Councilmember Jones and carried, Council gave approval to place Single Family Detached and Attached in the Zoning Ordinance with contingency.

VII. CITY MANAGER'S REPORT:

A. Staff Highlights:

- Britney Gordon – Received a Municipal Finance Certificate
- Shandrella Jewett – Joined GMA Mentoring/Membership Committee
- Giavani Smith – Appointed by APA to their National Planning Conference Academic and Professional Track Proposal Committee

City Manager Fillingame thanked the above staff for stretching beyond the borders of their individual offices.

VIII. REPORTS & ANNOUNCEMENTS FROM MAYOR & COUNCIL:

Councilmember Hobbs made the following comments

Congratulatory remarks and thanks extended to:

- Department Heads and Staff
- Atlanta Food Bank, Director Blich and his team for feeding the children of Union City
- Rafael White, Employee of the month
- Councilmember Jones - Happy belated birthday

Important Dates:

- July 24, 2018 – General Primary/Non-Partisan Runoff Election

Councilmember Mealing made the following comments.

Congratulatory remarks and thanks extended to:

- Rafael White, Employee of the Month
- Councilmember Jones - Happy belated birthday
- 2018 Interns
- Step-Up Girls Mentorship Program

- Fulton County Community Development
- Staff for doing an awesome job

Councilmember Jones made the following comments.

Thanks extended to:

- Staff for doing an awesome job

Spoke regarding:

- Will be sharing information received from June 2018 GMA Convention with staff

Councilmember Nealy made the following comments.

Congratulatory remarks and thanks extended to:

- Rafael White, Employee of the Month
- Mayor for becoming the 2nd Vice President of Georgia Municipal Association
- Britney Gordon for receiving Municipal Finance Certificate
- Shandrella Jewett – Joined GMA Mentoring/Membership Committee
- Giavani Smith – Appointed by APA to their National Planning Conference Academic and Professional Track Proposal Committee
- Step-Up Girls Mentorship Program
- Fulton County Community Development for sharing information on Federal Programs that are available
- Staff

Spoke regarding:

- Great FY19 Planning Retreat and Budget Workshop
- Enjoyed attending the June 2018 GMA Convention in Savannah, GA
- Advisory Board Member of the South Fulton Area Advisory Board for Serenbe Institute for Art, Culture and the Environment

Mayor Williams made the following comments.

Congratulatory remarks and thanks extended to:

- Councilmember Jones - Happy belated birthday
- Assistant Fire Chief, Jeff Collins
- Staff

Spoke regarding:

- Taxes and Homestead Exemption
- Public Comments

Important Dates:

- August 4, 2018 - Back Pack Giveaway
- August 7, 2018 - National Night Out at Walmart
- August 18, 2018 - Union City's 110th Birthday Celebration (Music & Arts Festival and "UC Got Talent")

On motion of Councilmember Nealy, seconded by Councilmember Mealing and carried, Council entered into Executive Session to consider the following three items: two pending litigations and review of the Executive Session Minutes from June 19, 2018. Vote was unanimous.

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

Council to discuss and give approval to register Union City's intent to have a Special Election (Sunday Brunch Bill SB17) in conjunction with the November 6, 2018, General and Special Election. Additionally, Council to discuss and give approval to adopt a resolution to call a special referendum election authorizing the City of Union City, Georgia to permit and regulate the sale of alcoholic beverages for consumption on premises for an additional hour and a half on Sundays during the time period of 11:00 a.m. until 12:30 p.m.

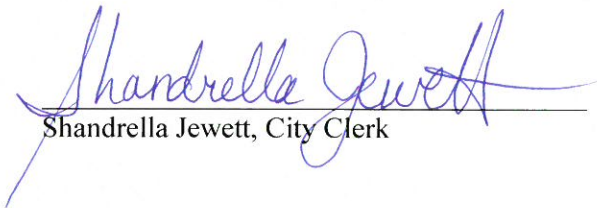
On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, Council agreed to move forward with having a Special Election (SB 17) in conjunction with the November 6, 2018 General and Special Election and adopt a resolution. Vote was unanimous.

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, the Executive Session Minutes from June 19, 2018 was unanimously approved.

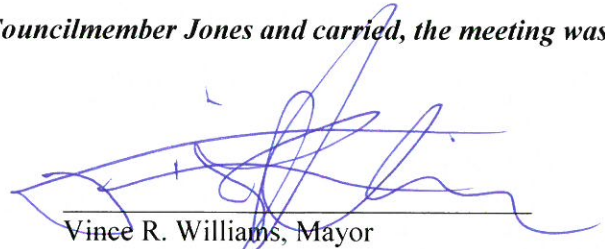
IX. ADJOURNMENT:

Meeting adjourned at 10:58 p.m.

On motion of Councilmember Mealing, seconded by Councilmember Jones and carried, the meeting was adjourned at 10:58 p.m.



Shandrella Jewett, City Clerk



Vinee 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 17th day of **July, 2018**.

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 17th day of **July, 2018**, which was closed for the purpose(s) of **two pending litigations, and review of the Executive Session Minutes dated June 19, 2018** 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
17th day of **July, 2018**.


Notary Public

