

MINUTES
REGULAR COUNCIL MEETING
TUESDAY, AUGUST 18, 2009
7:00 P.M.

Present: Mayor Ralph Moore, Councilmembers Shirley Jackson, Angelette Mealing, Vince Williams, and Brian Jones, City Attorney Dennis Davenport, City Manager Steve Rapson, City Planner Ann Lippmann, City Clerk Jacqueline R. Cossey and Deputy City Clerk Tapreka Thomas

I. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Invocation by Councilmember Shirley Jackson.

II. MEETING OPEN TO THE PUBLIC TO DISCUSS ITEMS NOT ON THE AGENDA:

- o Lewis Helvey of 5381 Hall Circle thanked members of the Council and employees for their support
- o Lori Pope of Brenau University announced their grand opening on August 25th and invited the Council to attend
- o AnJeanne' James of 8978 Crestview Circle asked how are we enticing businesses to come to Union City

At this time Mayor Moore stated that he was going to make an announcement at the end of the meeting; however, the City has two economic development tools. He added that these economic development tools are the Tax Allocation District (TAD) and the Opportunity Zone. He further added that these two economic development tools give incentives to businesses. Mayor Moore then stated that Union City has received a bio-tech business, Dendreon, which is a protein based anti-cancer drug for men with prostate cancer. He added that this business will bring 500 jobs. He continued that Newell-Rubbermaid, which is located in Union City, has brought 350 full-time jobs. He then stated that another deal is underway; however, he is not at liberty to discuss it. Mayor Moore stated that by the end of this year, he anticipates that there will be over 1,000 full-time jobs that will be created in Union City. He further stated that no other city in this recessionary time can lay claim to what Union City has done. He then thanked the members of the Board for passing the Opportunity Zone, because it was the key to attracting major businesses to the City.

III. ACKNOWLEDGEMENTS OF AWARDS AND ACHIEVEMENTS:

Presentation by Craig Camuso, Regional Vice President – State Government Affairs – CSX Transportation

Mr. Camuso addressed the Council and stated that we are all aware of the derailment in July in Union City. He added that they were very fortunate that the train was only carrying coal which caused no threat to the community or their employees. He further stated that during the clean up process, the Fire Department and Police Department were extremely helpful and CSX is very appreciative. He then presented Fire Chief Kenneth Collins and Police Chief Charles Odom with a check in the amount of \$1,000.00 each.

1,940 feet for a total of 48,500 square feet and that the 25 foot setback in addition to the buffer be waived for 647 feet for a total of 16,175 square feet. She concluded that any variance that the Council gives tonight to the 25 foot buffer needs to be referenced to the Chattahoochee Tributary Buffer which is 10 feet and a total of 35 feet. Ms. Lippmann stated that the two areas that could be affected by the stream buffer are the detention pond and the truck court. She then recommended that Council consider granting a smaller variance than requested.

Public Hearing opened.

AnJeanne' James spoke in opposition of the variance because the silt could spill over into their drinking water.

Public Hearing closed.

Councilmember Williams asked the petitioner if this request was a need or a want.

Gary Wax of 218 Terrain Ridge responded that he would incur about \$300,000.00 of additional cost and because he is competing against other developers who have land positions in other parts of Metro Atlanta; it is very likely that they could lose the deal and Union City would lose the opportunity for 150 to 200 jobs. He then stated that this request is a want as well as a need.

Councilmember Jackson stated that times are hard and it is hard to turn down jobs.

Mayor Moore stated that he has heard both sides and we have stormwater protection devices are in place so there is no danger of spill going into the drinking water. He added that right now the City can not turn its back on potential employment. He concluded that he believes in being a good steward of the environment and the City is doing its part to protect the streams.

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

VI. REGULAR/NEW BUSINESS:

1. Council to approve request to promptly remove and repair defective work performed by the contractor, Baldwin Paving Company.

Mr. Rapson reported that Baldwin Paving Company has repaired most of the work. He added that he has a letter from them agreeing to repair all of the work. He further added that they have repaired all of the work with the exception of the patching. Mr. Rapson stated that Mr. Alexander has performed a visual inspection of the work; however, he has to do some testing. He stated that the City has two options left and he needs some direction from the Council. He then informed the Council that the patching has not been completed and they wanted additional funds to do so with Council's approval; he wants to contact Baldwin Paving Company and inform them that to complete the patch work without additional funds or use the liquidated damages funds from them and get a vendor to complete the patch work.

On motion of Councilmember Mealing seconded by Councilmember Jones and carried, Council agreed use the liquidated damages funds to hire a contractor to complete the patch work. Motion was unanimously approved.

VII. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of .5756 acres of property located at 5755 Stonewall Tell Road from Fulton County AG-1 to Union City GC by Cynthia Busby. *Planning Commission recommendation – approval*

City Planner Shayla Harris led this discussion and stated that this zoning request is for 0.5756 acres located on Stonewall Tell Road. She added that the current zoning for the property is Fulton County AG-1; however, the petitioner is requesting to rezone the property to Union City GC. She further added that at the property currently contains one vacant residential structure and an unattached garage. She concluded that the petitioner has immediate plans to develop the property into a local restaurant and the Planning Commission recommends approval.

Public Hearing opened.

The petitioner, Cynthia Busby, of 5220 Cochran Mill Road spoke in favor of rezoning the property. She added that she wants to open a small restaurant to sell light lunches. She stated that she currently has a day care and wants to continue doing business in Union City.

Public Hearing closed.

2. Planning Commission to consider annexing the .5756 acres of property into the corporate limits of Union City by Cynthia Busby. *Planning Commission recommendation – approval*

Ms. Harris led this discussion and stated that the current annexation request is for 0.5756 acres located on Stonewall Tell Road. She added that the request is pursuant to the 100% method of annexation as provided by O.C.G.A. 36-36-20 which requires that the property be contiguous to the existing municipal boundary by at least 1/8 the aggregate boundary or 50 feet, whichever is less. She further stated that the subject property shares 317.47 feet of property with the corporate limits of the City of Union City which meets the requirement of 50 feet contiguity required by the 100% annexation method. She added that extension of police protection, fire protection, and other city services will occur immediately upon the effective date of annexation. Ms. Harris stated that a notice was sent to Fulton County on May 11, 2009 and Fulton County did not deliver an objection. She concluded that the Planning Commission recommended approval of the request in their July Meeting.

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

On motion of Councilmember Williams seconded by Councilmember Jackson and carried, the aforementioned rezoning request was approved by a 3 to 1 (three-to-one) vote. Councilmember Jones voted against.

3. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 21.45799 acres of property located on Chattaron Road from Fulton County AG-1 to Union City R-1 by Sandy Springs Homesites, Inc., Garrison Holdings, LLC and Anne Garrison. *Planning Commission recommendation - approval*

Ms. Harris led this discussion and stated that the current rezoning request for 21.45799 acres is located on Chattaron and Koweta Road. She added that the current zoning for the property is Fulton County AG-1; however, the petitioner is requesting to rezone that property to Union City R-1. She further added that the property currently does not contain any vacant structures and the petitioner does not have any immediate plans to develop the property. Ms. Harris concluded that during their July meeting, the Planning Commission recommended approval of rezoning the property from Fulton County AG-1 to Union City Single Family R-1.

Public Hearing opened.

Chris Doughtie of 2920 Woodbine Hill Way addressed the Council on behalf of Sandy Springs Homesites, Inc., Garrison Holdings, LLC and Anne Garrison. He spoke in favor of rezoning the property.

Public Hearing closed.

4. Planning Commission to consider annexing the 21.45799 acres of property into the corporate limits of Union City by Sandy Springs Homesites, Inc., Garrison Holdings, LLC and Anne Garrison. *Planning Commission recommendation - approval*

Ms. Harris also led this discussion and stated that the current annexation request is for 21.45799 acres located at Chattaron/Koweta Road. She added that this request is pursuant to the 100% method of annexation as provided by O.C.G.A. 36-36-20 which requires that the property be contiguous to the existing municipal boundary by at least 1/8 the aggregate boundary or 50 feet, whichever is less. She further stated that the subject property shares 3,124 feet of property with the corporate limits of the City of Union City which meets the requirement of 50 feet contiguity required by the 100% annexation method. She added that extension of police protection, fire protection, and other city services will occur immediately upon the effective date of annexation. Ms. Harris stated that a notice was sent to Fulton County on May 18, 2009 and Fulton County did not deliver an objection. She concluded that the Planning Commission recommended approval of the request in their July Meeting the annexing the 21.45799 acres into Union City.

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

On motion of Councilmember Jackson seconded by Councilmember Williams and carried, the aforementioned rezoning request was unanimously approved.

5. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 11.06 acres of property located on Stonewall Tell Road from R-1 to TCMU by Anthony Long Term Investments, Inc. *Planning Commission recommendation - approval*

City Planner Ann Lippmann led this discussion and stated that the petitioner submitted a request to rezone 11.06 acres of property located on Stonewall Tell Road from

Residential -1 (R-1) to Town Center Mixed Use (TCMU) in order to develop a mixed use development at some point in the future. She added that this request consists of three parcels of property. She further stated that there are currently three residential structures on this property and during their meeting on July 27, the Planning Commission recommended rezoning this property from R-1 to TCMU.

Public Hearing opened.

Chris Doughtie, representative of Anthony Long Term Investments, spoke in favor of rezoning the property.

Public Hearing closed.

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

6. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 4.36 acres of property located on Stonewall Tell Road from R-1 to TCMU by Stonewall Long Term Investments. ***Planning Commission recommendation - approval***

City Planner Ann Lippmann led this discussion and stated that the request consists of four parcels of property located on Stonewall Tell Road. She added that there are two residential structures and an accessory structure located on each of the four parcels. She further stated that this property was annexed into Union City in 2006 as was zoned R-1; however, the petitioner has requested to rezone the property from R-1 to TCMU in order to develop a mixed use development at some point in the future. Ms. Lippmann concluded that staff and the Planning Commission recommended approval of this request.

Public Hearing opened.

Chris Doughtie, representative of Stonewall Long Term Investments, spoke in favor of rezoning the property.

Public Hearing closed.

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

VIII. OTHER BUSINESS:

1. Council to consider reappointment of Robert Potts to the Zoning Board. Term expires August 31, 2009. (Wishes to serve again)

On motion of Councilmember Jackson seconded by Councilmember Jones and carried, Council re-appointed Robert Potts to the Zoning Board of Appeals. Vote was unanimous.

2. Council to consider reappointment of Tarika Peeks to the Zoning Board. Term expires August 31, 2009. (Wishes to serve again)

On motion of Councilmember Jones seconded by Councilmember Williams and carried, Council re-appointed Tarika Peeks to the Zoning Board of Appeals. Vote was unanimous.

3. Council to consider appointing Tarika Peeks to the Planning Commission. (*Wishes to serve on the Zoning Board and Planning Commission*)

Councilmember Williams asked to hold this item for 30-days to speak with other applicants.

IX. REPORTS & ANNOUNCEMENTS:

Mr. Rapson provided the Council with an update regarding the following:

- Human Resources Audit
- Privatization of Human Resources/Hiring a Human Resources Manager
- Community Service Workers
- Negotiating with Sunesis Consulting Group, Keck & Wood and Safe Built
- Defensive Driving Training
- Refinancing Bonds
- FY09 Budget Finalized
- The Digest

Councilmember Mealing asked Mr. Rapson to look at all contracts.

At this time City Attorney Dennis Davenport stated that he had two items for Executive Session, one involving personnel and one involving threatened litigation.

On motion of Councilmember Williams, seconded by Councilmember Jones and carried, Council entered into Executive Session.

On motion of Councilmember Williams seconded by Councilmember Mealing and carried, Council reconvened to Regular Session.

X. ADJOURNMENT:

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, the meeting adjourned at approximately 9:00 p.m.

Jacqueline R. Cossey, City Clerk

Ralph Moore, Mayor