

MINUTES
WORKSESSION MEETING
MONDAY, DECEMBER 8, 2008
6:30 P.M.

Present: Mayor Ralph Moore, Councilmembers Shirley Jackson, Vince Williams, Angelette Mealing, and Brian Jones, City Attorney Dennis Davenport, City Administrator Richard Bray, City Planner Ann Lippmann, City Clerk Jacqueline Cossey and Assistant City Clerk Tapreka Thomas

- I. REVIEW OF MINUTES: Worksession Council Meeting, 11/10/2008
Regular Council Meeting, 11/18/2008

Mayor Moore asked if there were any corrections to the above referenced minutes.

No corrections were made.

The minutes were added to the Consent Agenda.

- II. OLD BUSINESS: None.

- III. ACKNOWLEDGEMENTS: None.

- IV. NEW BUSINESS: *(Determine Items for 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 Meeting Agenda for separate consideration.

1. Bron Cleveland to provide an update of current projects.

Ligia Florim of Bron Cleveland Associates provided Council with a brief update of the five projects that Bron Cleveland Associates are currently administering for Union City.

- Ms. Florim stated that the Shannon Parkway Project has been ongoing since 2004 and, at this point, they have final plans and right-of-way plans.
- Ms. Florim stated that the second project was regarding the Pedestrian System Project. She added that Bron Cleveland has been working with Keck & Wood lately and Keck & Wood has taken some of the sidewalks out of Bron Cleveland's project and they will build the sidewalks with City money and the project has final plans and they should be ready to construct within six to eight months. She added that representatives from Rosser were present to answer any questions regarding this project.
- The third project that Ms. Florim discussed was the Pedestrian Bridge along Highpoint Road. She stated that this project already has final plans and should be ready to construct within the next four months. She added that she submitted the

final plans to the Department of Transportation (DOT) and there is one easement that must be acquired to build the bridge across the creek and that easement is the only thing that may prolong the project to go through the right-of-way process. Ms. Florim stated that the plan is to be ready to construct by April.

- Ms. Florim stated that the fourth project is the Recreational Trails Project. She added that this is being funded with the Department of Natural Resources (DNR) Grant and it has been a year since the grant was awarded in the amount of \$100,000.00 to construct a multi-use trail along Windham Creek. Ms. Florim stated that she was directed to hold off with that project until the City completes a master plan for the greenway. She then stated that she does not know where the City is with that, but she wants to point out that we have two years to spend this money and by the end of 2009 there needs to have been some progress; otherwise, DNR will want to know why hasn't the City done anything with their money.
- Lastly, Ms. Florim stated that this project is the newest Transportation Enhancement Project. She added that the City was awarded \$700,000.00 at the beginning of this year and DOT has taken a year to reorganize itself and issue the Memorandum of Understanding (MOU). She added that this is an agreement between the City and the Department of Transportation. She further added that right now the Mayor or Mr. Bray should have a package from DOT for the Mayor's signature in order to proceed with the project. Ms. Florim stated that once the agreement is received DOT will issue a notice to proceed for the Memorandum of Agreement.

Mayor Moore stated that he is thoroughly disappointed in Bron Cleveland Associates' performance. He added that he feels that there has been a lack of attention, a lack of detail, a lack of scheduling, and a lack of follow-up with DOT. He added that Bron Cleveland's progress reports lack a level of precision that a firm of their standing should have. He further added that if Bron Cleveland was alive, he would not be happy. Mayor Moore stated that he is extremely disappointed. He added that projects that should have received final review by DOT are still going back and that Ms. Florim may want to offer reasons or rational as to why, but he knows that DOT is not that dysfunctional that it cannot get projects reviewed. He added that he has not seen detail plans and has yet to seen profiles of right-of-way and if we are still in that phase, what has Bron Cleveland been doing. He further added that he has been in this business for a while and he knows better. Mayor Moore stated that, at this point, it would not hurt his feelings if all of the City's projects were taken away from Bron Cleveland. He then concluded that he would know how to proceed once he received advice from Counsel. Mayor Moore stated that, if at all possible, unless there is some redeeming or outstanding explanation as to why he should not feel this way, his position will hold that he feels that this community deserves better. He then stated that unless Bron Cleveland can show a gantt chart next week and show the dates that they spoke to DOT, he does not have confidence in them.

Councilmember Jackson stated that it has been going on and on and we have nothing to show for it.

Councilmember Mealing stated that this is the first full report that Council has seen since she has been on the board. She then concurred with Mayor Moore.

Mayor Moore asked the City Attorney when he would be able to provide an assessment of the outstanding contracts.

Mr. Davenport stated that he should have everything straightened out by Wednesday or Thursday of this week.

Ms. Florim stated that the designers have taken a long time to produce plans and DOT has taken a long time to review the plans. She then stated that there were issues with the Parkway as to whether to keep two lanes or one lane, which took time. At this time, Ms. Florim apologized on behalf of Bron Cleveland Associates and stated that she was very sorry that the Mayor is disappointed with their performance and if the Council would allow them to complete the work, she would be willing to do the work pro bono.

Mayor Moore stated that this is for another discussion and this is not the appropriate moment.

Councilmember Williams asked what role did Rosser play in this project. He added that he has had the pleasure of working with Rosser when he served on the Planning Commission. He added that he has not served on this Board for very long and he has heard about Bron Cleveland and their relationship with the City. He added that he has been very disappointed with the length of time that these projects have taken. He further stated that he has also been disappointed with the feedback, but the Council should have been given these reports long before now.

Ms. Florim stated that she has been providing reports to the City Manager on a monthly basis. She further added that she could have done it herself but she has been giving them to Mr. Bray.

This item was removed from the agenda as it was for information purposes only.

2. **Public Hearing** to consider adoption of an urban redevelopment plan for a portion of Union City. (*Opportunity Zone Resolution*)

Ms. Lippmann led this discussion and stated that this will need to be a public hearing next week and there is an associated redevelopment plan that has to be adopted. She added that since we do not have an enterprise zone, the redevelopment gives the City the authority to move forward with the opportunity zone.

This item was added to the Regular Agenda.

3. Approve request for a change order for the Group Two Project.

Sylvester Alexander of Keck & Wood led this discussion and stated that he presented a change order before the Council in August for the Group Two Paving Project for \$33,272.50. He then added that once the change order was approved, he proceeded to do the work and he discovered that the contractor and Keck & Wood made an error regarding the quantities, which was made in the first change order was incorrect and was less than what it should have been. He then asked Council to approve a change order to a change order in the amount of \$4,159.50. He concluded that the change order is necessary because the quantity was lower than expected and additional stripping was added and eradicating some old stock bars for the striping on the project.

This item was added to the Consent Agenda.

4. Approve request to award the contract to the lowest bidder, Construction Co., in the amount of \$1,100,000.00 for the Highpoint Road Project.

Sylvester Alexander of Keck & Wood also led this discussion and asked Council to disregard the agenda report that he submitted because the report was submitted prior to the bid opening. He added that the purpose was to award the bid to the lowest bidder. Mr. Alexander stated that the City received nine bids. He added that the low bidder, Baldwin Paving Co., currently has two projects in Union City and are in \$6,000.00 worth of liquidated damages for the Littleton Project, and the second lowest bidder is unfamiliar to Keck & Wood and they submitted an unbalanced bid which could mean that there is a misunderstanding. Mr. Alexander stated that Keck & Wood recommends throwing out all of the bids and re-advertise.

Councilmember Mealing asked how long it would take to begin construction if we re-advertise the project.

Mr. Alexander stated that he would like to set a new advertisement and bid opening date to be voted upon tonight. He added that he would like an advertisement date of December 17, 2008 and a bid opening date of January 14, 2009 due to the holidays. He added that, in the meantime, Keck & Wood will be reviewing their plans to be certain that the information is clear to the contractors due to the significant difference between the lowest and the highest bidder.

On motion of Councilmember Williams, seconded by Councilmember Jackson and carried, Council unanimously approved the request to throw out all bids and open up the bids again for the Highpoint Road Paving Project.

On motion of Councilmember Jones, seconded by Councilmember Williams and carried, the request to set the bid advertisement date for December 17, 2009 and bid opening date for January 14, 2009 for the Highpoint Road Paving Project was unanimously approved.

5. Approve request for an amendment to the rate schedule for Advanced Disposal.

Mr. Bray led this discussion and stated that he detected an error in the 6 yard and 8 yard containers that was charged to us by Advanced Disposal. He then recommended that the contract be amended to reflect the correct amount for the 6 yard and 8 yard containers.

This item was added to the Regular Agenda.

6. Approve request for a resolution to amend and approve for submission the Service Delivery Strategy for Fulton County and the Municipalities within Fulton County.

City Attorney Dennis Davenport led this discussion and stated that this request came from the South Fulton Municipal Regional Water and Sewer Authority. He added that they are at the permitting phase to get the state and federal permits for the water reservoir that they plan to construct. He further added that part of the issue is that prior to getting a permit from the State; the Service Delivery Strategy has to be amended to recognize that the Water and Sewer Authority will be a provider of water to Union City, Fairburn, and Palmetto. Mr. Davenport stated that the Authority is asking all of the cities in Fulton County, as well as Fulton County, to amend the Service Delivery Strategy for this purpose and every city is reviewing this request right now.

Mr. Bray stated that every city has to agree in order for it to pass under the law.

This item was added to the Consent Agenda.

7. **Public Hearing** to consider a petition submitted by Thomas D. Walker, Sr. for malt and vinous liquor license for on-premise consumption for 3-2-1 Traditions located at 5100 Goodson Connector.

City Planner Ann Lippmann led this discussion and stated that 3-2-1 Traditions located at 5100 Goodson Connector is the former A M F Union City Bowling Lanes and they are reopening that location as a bowling center, and they have applied for a beer and wine alcoholic beverage license for the snack bar. She added that this is the second request for a license at this location and the application has been reviewed and approved by our legal counsel and staff recommends approval.

This item was added to the Regular Agenda.

V. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a request by Anthony Long Term Investment that the City abandon a portion of Valley Lakes Road from Stonewall Tell Road approximately 545 feet to the property line of the cemetery located on Valley Lakes Road.

Ms. Lippmann reported that this is the second request from Anthony Long Term Investment to abandon this portion of Valley Lakes Road. She added that this was annexed into Union City in 2006 and they are requesting to abandon approximately 545 feet of Valley Lakes Road from the intersection of Stonewall Tell to the property line of the cemetery. She added that the previous request was denied by City Council in May 2007; however, in their November meeting the Planning Commission recommended proceeding with the procedure. She concluded that Chris Doughtie, of Anthony Long Term Investments, was present to answer questions.

Councilmember Jones asked Mr. Doughtie if Council abandoned the road, would the residents on Valley Lakes Road be able to get in and out of the subdivision.

Mr. Doughtie stated that the road can be reopened at any stage but the road currently goes through the property diagonally. He added that when he bought the property there was 15 feet description of the property that was never deeded. He further added that the previous owners never deeded the right-of-way. Mr. Doughtie stated that shortly after he purchased the property the road was widened by Fulton County. He then stated that the position of the road could not be worse and he does not mind reopening the road once the property has been developed.

Councilmember Mealing asked if the road was being trashed as most abandoned roads are.

Mr. Doughtie responded, “absolutely”.

This item was added to the Regular Agenda.

VI. OTHER BUSINESS:

1. Charter amendment to remove the collecting of fines and taxes and the issuance of licenses and permits from the duties of the City Clerk. (*State law requires that this ordinance receive two readings by the Mayor and Council*)

Mr. Davenport led this discussion and stated that a draft of the amendment was in Council's notebooks.

Mayor Moore asked if it requires a public hearing.

Mr. Davenport stated that it has to be advertised as a charter amendment and there are two readings at two meetings and no public hearing is required. He concluded that his office is taking care of the advertising.

ITEMS FOR DISCUSSION:

1. Letter from Old Virginia regarding payment of their past due water bill

Mr. Bray stated that at the last meeting Council reviewed this item but decided to review it again at this meeting for further discussion.

Councilmember Williams stated that he did not want to act on the item last month. He added that he contacted the utility department and the actual amount that is due, to date, is \$10,316.43 and they owe the money to Union City and he will not deal with anyone who wants to dictate what, when, and how much they will pay.

Councilmember Williams stated that he has no problem with trying to work with them as far as arresting the late fees at this point, but right now they owe \$10,316.43.

Councilmember Jones stated that they should come up with a payment plan.

Councilmember Mealing stated she thought that the letter was written with harsh language considering that they are asking for assistance. She added that she does not mind considering a payment plan.

Councilmember Williams stated that Mr. Bray should send Old Virginia a letter letting them know that we are willing to work with them on the \$10,316.43 and they can come up with a payment arrangement for that amount and not the amount reflected in their letter.

Mayor Moore stated that we should not keep asking them to come up with a payment plan, but we should provide them with a plan that the City will accept. He added that we should not keep going back and forth. He concluded that we should determine what is acceptable and include the total amount owed with a payment plan.

Councilmember Williams recommended dividing the total amount owed, \$10,316.43, into equitable amounts to be paid in six months.

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

2. City Hall closed for Christmas dates (*currently closed Dec. 24 & 25 – Wed. & Thurs.*)

Mayor Moore stated that if this is going to take place it should be advertised accordingly.

After a brief discussion, City Hall will remain closed on December 24 and 25 for the Christmas holidays.

3. Three bids to secure items at Georgia Military College

Mr. Bray led this discussion and stated that he was asked to obtain three bids for someone to secure the Georgia Military College building and this can be placed on the December 16 agenda if Council desires.

Councilmember Mealing stated that she was concerned about the difference in the bids amounts and the work in question.

Mr. Bray stated that before the next meeting, he would check with the contractor to make sure that we are comparing apples to apples.

This item was placed on the Regular Agenda.

4. Board Updates

Jail Authority

- o Robert E. Croom Term Expires December 31, 2008 (*Desires to serve again*)

Zoning Board of Appeals

- o 2 Vacancies

Mayor Moore asked if Mr. Croom desires to serve another term.

City Attorney Davenport responded, "yes".

Mayor Moore asked if we received a response from applicants regarding the Zoning Board of Appeals.

City Clerk Jacqueline Cossey stated that she provided Council with two resumes from applicants last month.

City Planner Ann Lippmann informed Council that there was a vacancy on the Planning Commission.

Mayor Moore asked Ms. Lippmann to begin advertising for the vacancy.

City Attorney Davenport stated that while we were on the subject, Councilmember Jones was appointed to the Water and Sewer Authority last year and this appointment is an annual appointment.

Mayor Moore stated that Council would reappoint Councilmember Jones in January.

Mrs. Cossey reminded Council that Mr. Davenport mentioned that Council could have a member from the Planning Commission serving a dual role on the Zoning Board of Appeals.

At this time Mayor Moore asked Mr. Bray to provide Council with a five minute overview of where the City is financially.

Mr. Bray stated that the last information that he looked at for the first quarter revealed that we have taken in more revenue than we have spent. He added that we have taken

over 2 million in the last report and the money for property taxes are still coming in, but that money is seasonal. He further added that the regular funds are coming in at a better rate than he thought. Mr. Bray stated that we are going to have to watch our cash flow situation in terms of the revenue that we have coming in. He then stated that we are where we ought to be in terms of what we have spent and collected at this point. He concluded that he will give Council a monthly report on revenues and expenses.

Mayor Moore stated that we have made a commitment to the Charrette project in Christian City and he is wondering if we are in a financial position to keep that commitment.

Mr. Bray stated that we need to make every effort to be as frugal as we can before he could tell Council if we are going to have to take any measure in the future to balance the budget.

Mayor Moore stated that although this is a good idea, we may not be able to keep our commitment.

Ms. Lippmann stated that she spoke with Mr. Crutchfield and if they did the Charrette, he does not know if they would have the funding to implement it for two to three years.

Mayor Moore stated that \$30,000.00 may mean the difference between getting a capital project done or not. He then asked Council to think about this and try to have an answer by the next Council meeting.

Mr. Bray informed Council that he provided information in their notebooks regarding the following:

- Selling Pictorial Books
- Sewer Rate Increase
- Apartment Complexes Recycling
- Shannon Cove Property Owners Association Letter

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, Council entered into Executive Session to discuss two personnel matters.

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

On motion of Councilmember Williams, seconded by Councilmember Mealing and carried, Council authorized the City Attorney to go forward with this personnel matter.

VII. ADJOURNMENT:

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

Mayor Moore asked for a motion to reconvene regarding the Christian City waiver request.

On motion of Councilmember Mealing, seconded by Councilmember Jones and carried, Council reconvened.

On motion of Councilmember Williams, seconded by Councilmember Jones and carried, Council approved Christian City's request to waive the \$3,000.00 "new account" refundable deposit.

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