

MINUTES
WORKSESSION MEETING
MONDAY, FEBRUARY 09, 2009
6:30 P.M.

Present: Mayor Ralph Moore, Councilmembers Shirley Jackson, Vince Williams, 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

Absent: Councilmember Angelette Mealing

- I. REVIEW OF MINUTES: Worksession Council Meeting, 01/12/2009
Regular Council Meeting, 01/20/2009

Mayor Moore asked if there were any corrections to the minutes. No corrections were made.

The minutes were added to the Consent Agenda.

- II. OLD BUSINESS: None.

- III. ACKNOWLEDGEMENTS/PRESENTATIONS:

Presentation by Stone Point Colony Condominium regarding sewer fees and late fees.

City Administrator, Richard Bray, stated that he and City Attorney Davenport met with representatives of Stone Point Colony Condominium to discuss the situation with their outstanding bill. He added that a hearing was held last week.

Mr. Davenport stated that the bill for Stone Point Colony Condominium for water, sewer, sanitations, and late fees is currently in the area of \$58,000.00 to \$60,000.00. He added that their attorney is here this evening to provide information to the Council. Mr. Davenport stated that a hearing was scheduled last week and he attended the hearing where Stone Point Colony Condominium was seeking a temporary restraining order to prevent the City from turning their water off. He added that before the hearing started, he entered into a consent order with them which said that the water would not be turned off that day, but they would come before the Union City Mayor and Council at their next meeting to make them aware of their situation. Mr. Davenport concluded that Stone Point Colony Condominium, also, paid \$3,000.00 on their sewer bill on the date of the hearing.

Jennifer Moore, Legal Counsel for Stone Point Colony Condominium, addressed the Mayor and Council and requested financial relief on the amount of sewer fees and late fees. Ms. Moore stated that they are not disputing the amount owed, they are simply asking for a reduction due to the large amount owed. She added that the bill reached this sizeable amount due to a major water leak and infrastructure problems and both problems have been fixed. She concluded that Stone Point Colony Condominium's bill has returned to the normal amount now that the problems are fixed.

This item was added to the Regular Agenda.

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. Council to consider approval of the 2009 street paving project.

Sylvester Alexander of Keck & Wood led this discussion and stated that all of the streets on the original 2006 bond series tier system have been paved or currently under design. He added that any project in the future must be approved by the Mayor and Council before any design work or estimating can begin. He further added that Keck & Wood is asking permission to pave Union Street, Longino Drive, Abercorn Street, Bull Court, Shannon Court, Heather Court, Highlands Drive, Ballye Shannon Pike, Tartan Court, parking spaces at Ronald Bridges Park, parking spaces behind the Police Station and Shannon Parkway Fire Station Driveway.

This item was added on the Consent Agenda.

2. Council to consider approval of request to increase the General Fund budget by \$6,600.00 and adopt a budget for the 290 LCI Grant Fund in the amount of \$6,600.00 for the Fiscal Year 2007-2008 budget.

Finance Director Angela Hudson led this discussion and stated that this is to clean the fund up because it has not been active for several years. She added that she needs to transfer money into that fund from the general fund to close it out.

This item was added to the Consent Agenda.

3. Council to consider approval of request to increase the General Fund budget by \$10,300.00 and adopt a budget for the 295 Cultural Arts Grant Fund in the amount of \$10,300.00 for the Fiscal Year 2007-2008 budget.

Ms. Hudson led this discussion and stated that the same goes for this fund. She added that the fund used have approximately \$5,000.00 a year from Fulton County Arts Council and the rest of the money from the general fund and she needs to close it out and get it off of the books.

This item was added to the Consent Agenda.

4. Council to consider approval of request to increase the 505 Water & Sewer Fund for Fiscal Year 2007-2008 budget by \$797,349.00 from \$5,402,079.00 to \$6,200,000.00.

Ms. Hudson also led this discussion and stated that she made a mistake. She added that she forgot to add a line item budget for the purchase of water from the City of Atlanta. She concluded that she cannot have a deficit in the fund balance and the auditors are ready to wrap everything up.

5. **Public Hearing** to consider a petition submitted by Man Pahari for malt and vinous liquor license for package sales for Nik Nak located at 5000 Roosevelt Highway

City Planner Ann Lippmann led this discussion and stated that this is the third request for an alcoholic beverage license for Nik Nak located at 5000 Roosevelt Highway.

She added that Mr. Pahari submitted an application in November and resubmitted everything to address the City Attorney's review. She added that this would be for a beer license for package sales and the annual fee would be \$1,250.00. She concluded that since they have met all of the requirements for the application process, staff recommends approval.

This item was added to the Regular Agenda.

6. **Public Hearing** to consider a petition submitted by Madsen Clervoyant for malt, vinous and spirituous license with Sunday Sales for on-premise consumption for Roosevelt BBQ Bar & Grill, LLC located at 6701 Roosevelt Highway.

Ms. Lippmann led this discussion and stated that this is the second request for an alcoholic beverage license for this location, which was formally Mannie's Barbecue. She added that the applicant submitted their application in December and have addressed all items outlined by the city attorney. She further added that this is a beer, wine, and spirituous license for Sunday sales and will generate \$8,750.00 in revenue and since they have met all requirements, staff recommends approval.

This item was added to the Regular Agenda.

7. **Public Hearing** to consider a petition submitted by LaMonda Anderson for malt and vinous license with Sunday sales for on-premise consumption for Atlanta Pizza located at 4715 Jonesboro Road

Ms. Lippmann led this discussion and stated that this is the Pizza Hut location located on Jonesboro Road. She added Pizza Hut national headquarters sold all of their establishments in Georgia to Atlanta Pizza Hut and they surrendered their alcohol license in December 2008 and submitted an application for a new license and they have met all of the items outlined by the city attorney in their review; therefore, staff recommends approval. She concluded that it is a beer and wine license for Sunday sales and will generate \$3,000.00 in revenue.

This item was added to the Regular Agenda.

8. Council to consider approval of request to renew contract with Advanced Disposal Services.

Mr. Bray led this discussion and stated that the City has a contract with Advanced Disposal which will end October 2009. He added that they have submitted information to the Mayor and Council with regards to renewing the contract with provisions. He added that representatives from Advanced Disposal are here to answer any questions.

Mayor Moore stated that he would like the following items addressed in the contract:

- o Under Definitions: Addition of the definition "Producer" as the contract makes reference to the producer.
- o Under Complaints: There should be some language indicating how the contact will be made and if their number will be made available through our public service channel, other means that the citizens have access to or a magnetic sticker.
- o Reasonable Access: There should be language for construction and would construction prohibit them from having reasonable access or what would they do to re-route if construction is going on.

- Renewal: After a three year period there could be a two year renewal with a one year option.
- Rate Adjustments Due to Significant Changes: Uncomfortable with changes in the law. We should explore having a standard base that we both can agree upon that accurately measures the increases and decreases in cost. He would like to see something that has more of an economic trend over a period of time, perhaps over 10 years to get an average and use that as a base and a percentage of that base be measured in terms of the increase.
- Submit semi-annual report, perhaps June and December.

Mayor Moore stated that he did not have any problems with their services. He added that he has no problem with going out for bids or the renewal of the current supplier, but it is entirely up to this Board as it is fine either way.

Mayor Moore stated that the City currently requires recycling. He added that a few communities make it mandatory and if you are not recycling, you will be given a ticket. He added that we do not have the manpower or the resolve to do that. He then recommended removing the requirement to make recycling mandatory; however, Advanced Disposal could make it available. He added that this would increase the amount of tonnage that we send to the landfill. He then asked who would absorb the tipping fee.

Mr. Davenport stated that it would ultimately come back to the City.

Mayor Moore stated that that is something that we have to consider when we adhere to this change because the more we send, the more it will cost and the cost will eventually be passed to the users.

Councilmember Jackson asked for the percentage of the residents recycle.

Jason Becker, of CLM Sanitation, stated that the residential customers recycle approximately 10%. He added that this is pretty standard and also on the higher end. He further added that there are about 400 homes in Union City that recycle. Mr. Becker stated that the City of Newnan does about 10% and the City of Fairburn does about 9%.

Mayor Moore asked Steve Edwards, of Advanced Disposal, if they separate the garbage from the recyclable containers.

Mr. Edwards stated that with regard to recycling, Advanced Disposal has about 15 to 16 accounts that recycle cardboard and paper combined.

Mayor Moore asked if Mr. Edwards goes to a transfer station and separates.

Mr. Edwards stated the trash is taken to a transfer station just outside of Union City and they place the garbage on the ground and manually pick through the recyclables. He added that he then takes the recyclables and bail them up then sell them to whoever has the best price.

Jason Becker stated that CLM does it the same way.

Mayor Moore stated that the tipping fees should be manageable.

Mr. Edwards stated that the tipping fees would not change and Advanced Disposal would be responsible for that.

Finance Director, Angela Hudson, asked if the City was going to turn over the billing to them as well.

Mayor Moore stated that he did not see billing in the contract.

Ms. Hudson stated that she would prefer that they do the billing. She added that if they do the billing she would like for it to begin September 1, 2009.

Mayor Moore stated that Ms. Hudson and Mr. Bray should get together and discuss what approach to take. He added that this agreement needs work. He then asked the city attorney to make the changes.

City Attorney Davenport stated that he would appreciate 30 days to review the contract.

This item was placed on the March 2009 agenda.

9. Council to consider approval of request to renew contract with CLM Sanitation.

This item was placed on the March 2009 agenda.

10. Council to consider approval of the modified redevelopment plan.

City Planner Shayla Harris led this discussion and stated that in December 2008 the Mayor and Council adopted a redevelopment plan in an effort to seek approval for the opportunity zone. She added that since that time, she received a letter from the Department of Community Affairs indicating a few items that needed to be added to the plan for approval of the opportunity zone. Ms. Harris stated that she addressed the current zoning regulations and stated that the City is not planning to change any of those regulations. She added that that statement needed to be placed into the plan. She further added that it also needs to be stated as to who the redevelopment authority agency will be. She added that there will be no land acquisition structures to be demolished, relocated, or rehabilitated at this time nor relocation of displaced citizens will take place throughout the redevelopment process.

City Attorney Davenport pointed out that the document contains language that states that the Union City Development Authority is hereby designated as the redevelopment agency and we do not have a Development Authority, so the City would be better.

Mayor Moore asked if we replaced with “the City”: would that work?

Mr. Davenport stated that this is not something that he is prepared to respond to.

Ms. Harris stated that it is her understanding that the governing body, Union City, would be appropriate.

Mr. Davenport stated that the language should be changed to reflect the City of Union City as opposed to the Union City Development Authority.

On motion of Councilmember Williams seconded by Councilmember Jackson and carried, the redevelopment plan was approved as amended.

This item was removed from the agenda.

11. Council to consider approval of awarding the contract to the lowest bidder, Professional Service Industries, Inc., for the Watershed Protection Plan Proposal in the amount of \$57,955.00.

Sylvester Alexander led this discussion and stated that the item was discussed at the annual retreat. He added that this request is to award the contract to the lowest bidder for the Watershed Protection Plan Proposals. He added that the estimated expenses are \$57,955.00 and the funding source is the 1996 Water and Sewer Revenue Bond.

This item was added to the Consent Agenda.

12. Council to consider approval of the 2006 Bond money to make emergency repairs on College Street in the amount of \$50,000.00.

Sylvester Alexander led this discussion and stated that two weeks ago a sink whole developed on College Street and once Public Services dug up the street, they discovered a damaged concrete pipe that has to be replaced. He added that due to budget cuts, Public Services does not have any money for emergency repairs. Mr. Alexander further added that Keck and Wood performed an initial assessment of the damage and the estimated cost is \$50,000.00 to replace the pipe. He added that College Street is included in the list of streets to be paved under the bond series this year and the goal is to spend the minimum amount to replace the pipe and open the street up and perform other upgrades. He concluded that Keck and Wood recommends using the bond money for the College Street emergency repairs to open the street back up.

This item was placed on the Consent Agenda.

V. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

1. **Public Hearing** to consider a map amendment to the Official Zoning Map for rezoning of 3.93 acres located at 3985 Flat Shoals Road from Fulton County AG-1 to Union City GC by Rudaina Srouji. *Planning Commission recommendation - approval*
2. Planning Commission to consider annexing the 3.93 acres of property into the corporate limits of Union City by Rudaina Srouji. *Planning Commission recommendation – approval*

Ms. Lippmann led this discussion and stated that she would like to address item numbers 1 and 2 at the same time. She added that this is almost a 4 acre tract that is adjacent to the City limits along Flat Shoals Road and it connects to the abandoned retail development on Flat Shoals Road. She stated that the petitioner has plans to open a hospice and medical offices on the property, so they are petitioning the City to rezone it from Fulton County AG-1 to Union City General Commercial (GC). She concluded that the rezoning and annexation requests were both recommended for approval by the Planning Commission.

This item was added to the Regular Agenda.

3. Planning Commission to consider a request by Brooks Land, Inc. that the city abandon a portion of Duncan Road. *Planning Commission recommendation – forward abandonment to Council*

Ms. Lippmann led this discussion and stated that Duncan Road is a dirt road that is impassable and they are requesting to abandon a little over 4 acres of the road. She added that once it is abandoned it will become a part of the golf course. She concluded that the Planning Commission recommended that this be forwarded to the Mayor and Council for a public hearing.

This item was added to the agenda.

VI. OTHER BUSINESS:

Mayor Moore stated that he stressed at the retreat that we have a stimulus package. He added that if we are going to talk about putting projects on the docket much quicker, relax in some of the EPA standards is necessary especially when they probably are more esoterically in nature as opposed to whether or not they are protecting anything. He then asked the Board to submit resolutions to our U.S. Congressman, both of our U. S. Senators, as well as our Governor in regard to relaxing EPD and EPA standards to allow for projects to get on a more aggressive schedule. He further added that he would like for one to go to the Water Authority making a request for them to do the same. He then asked the city attorney to prepare the resolutions.

Mayor Moore stated that we discussed having events at the retreat and he has provided Council with one proposal from J & J Productions for Council's review. He added that Council could request additional proposals, but we need to act expeditiously to give the event coordinator time to plan. He then stated that he has given his travel to pay for the event planner and so has Councilmember Jackson which is a total budget of approximately \$16,000.00 to go toward event planning. Mayor Moore stated that he met with the Airport Chamber of Commerce Executive Director who will be willing to serve as the non-profit for the marketing. He then stated that we need to find out what type of monies would be available because according to Ms. Hudson, the gross revenue are down so we need to have a more realistic amount that we can say that 40% could be used for marketing or events, but the Airport Chamber said that they would be glad to do it. Mayor Moore stated that he would have chosen the South Fulton Chamber but they are in a bit of a transition.

Councilmember Jones stated that he would like to see at least one more proposal for the event planner.

City Attorney Davenport stated that the Council tasked him with putting together some procedures for water bill disputes. He then presented Council with a draft document to see if it meets their expectations. After a brief discussion, Council agreed to allow the initial water disputes, up to \$4,999.00, to be heard by Mr. Bray and his decision would be final. He added that for those who do not like Mr. Bray's decision can file an application and appeal to the Council.

Mayor Moore stated that there should be a total dollar limit that the City Administrator can waive. He added that there should be a maximum per calendar year, a cumulative total that the City Administrator can waive per calendar year with public dollars.

After a brief discussion, Council decided not to set a dollar amount, but rather a quarterly review of the amount waived by the City Administrator.

Mr. Davenport stated that this is not set in stone, but just the beginning of the process. He then stated that he would prepare a final review and bring back a working draft to the March Worksession.

Mr. Becker requested clarity and asked if all of the stipulations for the Advanced Disposal contract applied to the CLM Sanitations contract as well.

Mayor Moore stated that the city attorney would address that when he reviews the contracts.

Mr. Becker stated that he would like to add bulk waste as another offering to the contract. He would pick up bulk waste once a month for no charge.

Code Enforcement Officer, Polly Miller, stated that she would like to make this a public service announcement and inform the residents that they can put their bulk waste out once a month for pick up at no additional cost.

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

VII. ITEMS FOR DISCUSSION:

VIII. ADJOURNMENT: