

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

Present: Mayor Ralph Moore, Councilmembers Angelette Mealing, 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 Shirley Jackson

- I. REVIEW OF MINUTES: Worksession Council Meeting, 02/09/2009
Regular Council Meeting, 02/17/2009

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:

Stone Point Colony Condominium requesting relief regarding sewer fees and late fees in the amount of \$61,310.81.

City Attorney Davenport stated that Stone Point Colony Condominium is requesting a reduction in their bill by \$20,000.00. He added that they are stating that the sewage was never treated and are also requesting relief from the late fees, penalties, and interest. He further added that they are also requesting 36 months to catch up the arrears.

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 contesting the amount owed for the water bill, but they are simply asking for a reduction due to the sewer amount charged because the water did not run through the meter and was not treated. She also asked for financial relief regarding the late charges. Ms. Moore stated that she would like to request a payment plan that would not set the residents up for failure and they are currently unable to pay \$61,310.81, due to the fact that they are suffering from abandoned units and one foreclosure. She stated that the residents could pay approximately \$3,000.00 per month which would be inclusive of their current bill. She concluded that the leak and the infrastructure is fixed and the water bills are returning to normal.

Councilmember Jones recommended payment in the amount of \$45,000.00 to be paid in 36 months with monthly payments in the amount of \$1,250.00.

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

- III. ACKNOWLEDGEMENTS/PRESENTATIONS:

Presentation by Burt Manning, Fulton County Board of Assessors, regarding the tax digest.

Burt Manning of Fulton County Board of Assessors gave a presentation to the Mayor and Council regarding the tax digest. He further explained the duties, responsibilities, and functions of his office. He added that his responsibilities include discovering and appraising the taxable properties, both residential and commercial throughout Fulton County. Mr. Manning stated that the role of the assessors is discovery of property that should be valued. He added that they also go through the assessment process which includes the right to appeal and create a tax digest. He further added that the County is divided into four residential appraisal divisions and one manager is assigned to each division. Mr. Manning reminded Council that the deadline to file for the Homestead Exemption is April 1st. He added that homestead applies to the property that you use as a residence, the land surrounding it, usually not exceeding five acres, and you have to own it as of January 1st, it has to be a permanent legal residence, it has to be used as a dwelling and it can only be one homestead per family group. Mr. Manning stated that you must file an application for that exemption at least once. He added that there really is no deadline for filing, under Georgia law they have changed it to accepting applications year round, but by the same token if you want the homestead exemption for the current year; that application has to be in no later than close of business on April 1st. Mr. Manning stated that the citizens of Fulton County voted to increase the basic homestead exemption and it is going \$20,000.00 this year against the County M&O and it goes up \$5,000.00 per year for the next two years. He added that there are a number of exemptions for citizens over age 65. Mr. Manning left several brochures for the Council and the public.

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 request from the Masonic Lodge to reduce the water bill in the amount of \$869.09.

Cliff McClure led this discussion and stated that the Masonic Lodge received a bill in January in the amount of \$869.09. He added that during that timeframe there were approximately five meetings held in the building. He stated that upon receiving the bill he checked for leaks and found none. Mr. McClure stated that he asked the water department to check for leaks and they found no leaks. He said that the facility has a kitchen and two toilets. He added that the outside faucet is controlled from inside of the building and he does not see how it is possible for the bill to reach \$869.09. He stated that he spoke with Mr. Eberhart and was told that he could send the meter to be checked, but they usually come back accurate. Mr. McClure stated that he does not know what the issue is but it is virtually impossible to use approximately 86,000 gallons of water without a major leak and there is no leak. He then asked that Council review the billing history and give them a bill based on their average usage. He reminded Council that this is a non-profit organization and if they could not reduce the bill that they prorate it for a period of 12 months without penalties to give them time to pay the bill.

Councilmember Jones stated that the average is about \$73.00. He then recommended payment in the amount of \$73.00 for a six month period.

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

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

Mr. Bray stated that during the last meeting Advanced Disposal Services and CLM had representatives present and the city attorney was instructed to prepare addendums to the contracts reflecting the issues that were brought up and he believes that he has done so. He added that CLM and Advanced Disposal Services were both going to begin collecting the fees and Advanced Disposal Services' contract has that language in it, but CLM's contract does not.

City Attorney Davenport stated that the motion specifically stated to have Advanced Disposal Services to do the billing and CLM was never brought up. He then listed the changes that were made to the contract including the definition of producer, Advanced Disposal Services to handle the billing, how complaints are to be made, and access due to road closure. Mr. Davenport stated that he was unclear as to the renewal language. He added that he recalls that it was for a three year term and he thought that the three year term would begin immediately upon execution for three years superseding the current agreement. He then asked if the desire was for a three year renewal as well.

Mayor Moore stated that he recommended a two year renewal with a one year option.

Mr. Davenport stated that the third year is when the option would be exercised. He then asked who would have the option.

Mayor Moore stated that it would be two years and the third year would be the option year.

Mr. Davenport asked if the decision would be made in year two of the renewal to determine what to do as far as subsequent terms.

Mayor Moore responded, "yes."

Mr. Davenport stated that he would put the same language in CLM's contract. He added that there was also a desire to tie increases to a baseline standard and the consumer price index was suggested and that language has been placed in the contract as well.

This item was placed on the Consent Agenda.

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

Mr. Davenport stated as far as CLM, he addressed the same items as he did in Advanced Disposal's contract including the producer, there was a bulk item pick up issue and he has added language for bulk item pick up, recycling information, complaints, access, and rate adjustment and he will make the renewal information the same as Advanced Disposal's. He added that there is a rate customer account for the new contract and he will add the billing language as he did with Advanced Disposal.

Mayor Moore stated that once these contracts are fully executed he would like to put the information on the website to inform the residents that they will be paying directly to CLM and Advanced Disposal Services and not to the City.

Ms. Hudson stated that there is another issue that needs to be addressed in CLM's contract. She added that since the initial contract, she provided them with a list of the City's residential customers that we provide service to so they could deliver those residents trash cans, but CLM did not go by the list and they gave trash cans to everybody including residents that the City does not service. She further added that Mr. Eberhart has been working with them for the past few years to get them to stop billing the City for the people that we do not provide service. She added that Mr. Eberhart has also been trying to get a credit back for that billing.

Mayor Moore asked if it was incumbent upon us to provide them with an accurate user list and that they must use that list and we can add language that we are not obligated to pay them for services to residents that are not on the list.

Mr. Davenport stated that in the amended document in paragraph 8, we set the number to 3,852 residential premises for services. He then asked if that was an accurate number. He added that before the contract is signed, he would need an accurate number.

Mayor Moore asked if the list could be an exhibit for them to use.

Mr. Davenport stated that the numbers could go up and down.

Mayor Moore stated that we should provide them a quarterly report.

Ms. Hudson stated that we are also charged for stolen trash cans at \$50.00 per trash can. She added that the previous provider did not charge for replacing trash cans unless it was repetitive.

Ms. Hudson also asked if we should add language for them to provide services to help clean up if we encounter a tornado or some major damage due to bad weather.

Councilmember Williams stated that in the event that there was an act of God, the City would reach out to CLM and he is sure that they would accommodate the City, but he would support including that language into the contract.

Mayor Moore recommended that lost or stolen trash cans should be replaced within 7 days.

This item was added to the Consent Agenda.

4. Council to consider approval of the ordinance related to water meters, hearing of disputes concerning the amount of water bills, and discontinuing services.

Mr. Bray stated that this ordinance is regarding putting a system in place whereby the city administrator would receive applications for water bill disputes and he will make a decision within 5 days. He added that if they are not satisfied with his decision, they can appeal that decision to the Mayor and Council.

Mr. Davenport stated that he has drafted an application for the original dispute and an application for the appeal. He added that the city administrator will not handle any dispute in the amount of \$5,000.00 and above. He further added that there is language that the city administrator will provide the Council with a quarterly report regarding the status of all water bill disputes.

This item was added to the Consent Agenda.

5. Council to consider amending Code of Ordinance Chapter 12 Section 1 as it pertains to Special Event Regulations.

Ms. Lippmann led this discussion and stated that presently this section of our code only deals with parades and there is a special event permit process that is not codified and it charges a flat rate of \$25.00. She added that over the past 10 years, the magnitude of special events requests have changed. Ms. Lippmann stated that we have a lot more requests for public streets and parking that would affect public streets. She added that she has reviewed a few ordinances from other cities and has drafted a new special event regulation ordinance and the main difference allows the Public Safety Department and other departments such as Fire, Police, and Public Works to look at a special event request and determine a fee based on how much it would cost the City to manage. She added that some of these request police services and these charges would be included in the permit. Ms. Lippmann stated that there are exceptions and it would not apply to funeral processions, local ticketing activities sponsored by government agencies, and bonafied athletic events by Union City Parks and Recreation Department. She concluded that there will be a \$25.00 application fee for any special event permit and the additional fee would be based on how much manpower is needed.

Mayor Moore stated that the ordinance did not address what happens if the crowd became unruly and at what point does the Chief have the ability to revoke the permit and disburse the event.

Ms. Lippmann stated that there is a statement under section, 12-10 regarding revocation of permits due to the occurrence of an emergency which threatens the safety of the public or property.

Mr. Davenport stated that this language would allow the Chief the ability to disburse the event because the only time that those issues would come up would be when an actual event is occurring and public safety is an urgent issue because of the way that the event was being conducted, he believes that the Chief would have the authority to revoke the permit on the spot and order the disbursal of the crowd.

Mayor Moore stated that this is the language that he is looking for.

This item was added to the Consent Agenda upon adding the aforementioned statement by Mr. Davenport.

6. Council to consider revocation of the occupational tax permit held by Atkins Linen Service located at 5141 Westbrook Place.

Ms. Lippmann led this discussion and stated that this does not have to be a public hearing, but there has to be a hearing. She added that this business is Atkins Linen Service located at 5141 Westbrook Place and they have held an occupational tax permit since 1987. She stated that at the end of last year she began working with Code Enforcement to get some of the occupational tax permits paid and this individual did pay; however, they paid with a check that was returned for insufficient funds. Ms. Lippmann stated that to date they have not made good on the check. She added that our code of ordinance specifies in section 9-2 that any business in the City has to have a business license and you are also required to pay for the business license and they have not addressed the issue of the insufficient funds for their check. She stated that she would interpret that as they are operating without a business license. She added that there is a provision in the code of ordinances and only the Mayor and Council can

revoke a business license and this is the procedure to initiate that process. Ms. Lippmann concluded that the individual has been notified by certified mail of the hearing.

This item was placed on the Regular Agenda.

7. Council to consider approval of request to advertise bid opening dates for the Main Street Paving project.

Sylvester Alexander of Keck & Wood led this discussion and stated that this project is the Main Street paving project and it is also considered the 2009 CDBG project. He added that the estimated expenses are \$350,000.00 and \$285,600.00 will come from the 2006 Bond Series and there is also an escrow amount of \$14,400.00 that he found in the file for the drain structure that the developer did not put in when that project was closed out and he will also be satisfying that condition when they pave this road. Mr. Alexander stated that he is requesting that the Mayor and Council approve the advertisement and bid opening dates for the Main Street paving project. He added that the purpose of this project is to repave Main Street from Goodson Road to Church Street and add curb and gutters from Church Street to Park Street on the north side. He further added that sidewalks will be added on the south side of Main Street from Church Street to Park Street. Mr. Alexander concluded that the recommended advertisement date is March 25, 2009 and the bid opening date would be April 28, 2009.

This item was added to the Consent Agenda.

8. Council to consider request from Ms. Jacks to reduce her outstanding water bill.

Mr. Bray led this discussion and stated that he spoke with Ms. Jacks himself and that this is a rental house and she has done everything that she could to discover the leak and she did not find one. He added that Ms. Jacks stated that her average bill is approximately \$30.00 to \$40.00 per month. Mr. Bray concluded that his judgment on this is that Ms. Jacks owes the money unless there is something to tell him otherwise.

Councilmember Williams stated that he would like to see additional documentation.

Mayor Moore recommended that Mr. Bray resubmit this item for Council's consideration with a billing history. He added that as of now there is not enough evidence to consider.

Councilmember Mealing stated that someone should go out and look at the property.

Public Works Director, William Landrum, stated that he has visited the property and there is nothing wrong with the meter and this is not a rental property. Mr. Landrum added that Ms. Jack's brother previously lived at this property, but he passed away. Mr. Landrum added that the pipes had frozen and burst.

Due to a lack of supporting documentation, this item was placed on the April agenda.

9. Council to consider approval of request from the Resurrection House for All Nations for a National Day of Prayer at Union City – City Hall on May 7, 2009.

Mr. Bray stated that this letter has two requests. He added that these requests are for a parade on April 11, 2009 which is 21 miles long and to have the National Day of Prayer on the steps of City Hall on May 7, 2009.

Councilmember Mealing stated that these are busy streets on a Saturday. She added that she is not sure that this can be done.

Councilmember Williams suggested that they take a more logical parade route.

Mayor Moore stated that the current route is not acceptable and they need to revise the route.

Councilmember Jones stated that he had no problem with the National Day of Prayer on the steps of City Hall.

Council was in agreement with the National Day of Prayer, but felt that the parade route should be revised.

Police Chief Charles Odom stated that this same thing happened last year and he spoke with them and they were able to work everything out. He said that he would speak with them again.

This item was placed on the Regular Agenda with Chief Odom reporting back to Council.

10. Council to consider request for approval to amend the fiscal year 2009 General Fund Budget by a reduction of \$1,548,983.00 from \$18,285,4000.00 to \$16,736,417.

Mr. Bray stated that this was presented to the Mayor and Council at the Annual Retreat in February. He added that since that time he has refined the numbers and he has provided Council with a memo consisting of a list of proposed reductions subject to Mayor and Council's approval. He added that he has also provided Council with a list of things that he intends to implement to reduce the FY09 budget. Mr. Bray stated that there are reductions in revenue and sales tax. He added that he is meeting weekly with Ms. Hudson regarding our cash flow and expenses. He then recommended that any vacancy that is non-essential to the functioning of the City not be filled. He also recommended that any non-essential overtime not be paid. He stated that all training and travel is non-essential. He stated that he needs to be given the authority to determine if any of these items are non-essential as these things come to him on a case-by-case basis.

Councilmember Mealing stated that with regards to Planning and Development and Parks and Recreation, she does not mind this being on hold due to our economic situation, but she would like for staff to find out how much it would cost to scale the plan down. She added that she asked Ms. Lippmann to provide her with some quotes. Councilmember Mealing stated that with regards to overtime pay there are only a few departments that actually get overtime.

Mr. Bray stated that he is speaking of essential overtime.

Councilmember Mealing stated, with regard to this reclassification, is anyone in the position that Ms. Lippmann is trying to reclassify.

Ms. Lippmann responded, "No."

Councilmember Mealing asked Ms. Lippmann if she was looking to fill the position in the near future.

Ms. Lippmann responded, "Not at the present time." She added that she would like to reclassify a position, but she is not trying to fill two positions.

Ms. Mealing stated that she would support the reclassification of the Permit License and Tax position to a Technician II. She then urged her colleagues to look at that.

Mr. Bray added that the way it works is that the money is removed from the vacant position through August 31, and the reclassification of the person in the position that is presently filled and when we do the budget for FY10 a decision will be made to put money in the budget for that position or not based on the way that the permits are being issued.

Ms. Lippmann stated that even if she brought that position back, it would not be two equal positions.

Mayor Moore stated that he does not know if this should be a consent item or an agenda item but he did not think he heard correctly what is being requested. He added that it is not being objected to but it is more or less comments to accelerate the activity. He then stated that Mr. Bray is requesting that the Mayor and Council put a hiring freeze on. Mayor Moore stated that as he stated in his State of the City Address, staff has a long history of pulling the ranks up when times get tough and they have done a yeoman's job and he is asking that they continue not doing things that they don't have to do.

Councilmember Williams stated that a viable mechanism to put in place would be to halt merit increases so that we will not be looking at the possibility of laying-off people or letting people go. He added that right now the main thing is making sure that people have a job. He further added that he does not want to be put in a position of letting 6 to 10 people go. He stated that he does not believe that we would be able to function with a great loss of staff. Mr. Williams stated that due to the way that our budget cycle is structured, he is aware that some employees have already gotten merit increases, but for those who have already received their increases, the cycle will pan back around to them to offset those who would not receive their increase in this cycle.

Mr. Bray stated that he has approximately 22 merit increases on his desk to be signed and they go back to February 2009. He then stated that he needs direction from the Council as to what to do with them.

Mayor Moore stated that he is in agreement with his colleague and he does not want to be put into the position that if revenues do not come in that we don't take the chance of putting staff in a nuclear option. He added that as far as personnel is concerned; what we have in place should suffice until we get over this economic situation.

Mr. Bray asked Mrs. Lunsford how many vacancies we currently have.

Mrs. Lunsford responded, "11."

Mr. Bray asked if the jail positions are included in the freeze. He then stated that he wants to make sure that it does not become a safety issue with how many jailers we need for the population of inmates.

Councilmember Williams stated that he is in agreement with that because he does not want to be responsible for our staff being under manned with the jail population. He then stated that we should make certain that the jail is staffed adequately.

Mr. Bray stated that this holds true with the Police and Fire Department as well.

Mayor Moore stated that he wants to leave this up to Mr. Bray as to where the budget needs to be adjusted. He added that he wants Mr. Bray to come back to the Council. He further added that he does not think that activities in the City, except for public safety, may be as active. He added that there are certain things that are essential to the operation of the City.

Ms. Hudson stated that it may be fair to look at how much it will cost to continue to pay merit increases through the remainder of the year and see if there is some other way to cut. She added that it does not seem fair that some people have already gotten their increases and it may be better to look at other ways to cut before messing with people's income.

Mayor Moore stated that he would leave that up to Mr. Bray to decide if that option is available.

This item was placed on the Regular Agenda.

11. Council to consider request for approval to amend the fiscal year 2009 Emergency 911 Special Revenue Fund Budget by a reduction of \$31,600.00 from \$688,200.00 to \$656,600.00.

Mr. Bray led this discussion and stated that he has discussed this with Ms. Hudson and the 911 is a special fund within itself. He added that he did reduce it by a reduction of \$31,600.00 going into the general fund.

This item was placed on the Consent Agenda.

12. Council to consider request for approval to amend Capital Project Funds 341 and 343 Fiscal Year 2009 Capital Project Fund Budgets by an accumulative reduction of \$200,000.00.

Mr. Bray stated that this is for capital projects such as Shannon Parkway Bike Trail Side Walk and Federal projects. He added that he felt that he could reduce that by \$200,000.00, which would leave \$50,000.00 to do what we need to do on the project through August 31st of this year.

V. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

VI. OTHER BUSINESS:

City Administrator Reports:

- o Animal Control contract with Fulton County

Mr. Bray stated that Fulton County Commission has adopted an anti-tethering law and they are now asking the City to indicate if they want to renew the Animal Control contract by March 13. He added that the Fulton County Commission passed this law

last Wednesday. He further added that the contract states that they will enforce all applicable state law and county ordinances in regard to animal control within the City of Union City.

Mr. Davenport stated that this was never a problem before, but it causes a problem now because the way that the Intergovernmental Agreement is suppose to work between Fulton County and Union City is, for convenience, Union City wants to use Fulton County for animal control services and for ease of enforcement; Union City would adopt Fulton County's animal control ordinance as Union City's ordinance. He added that when Fulton County came to enforce the ordinance, the language was identical. He further added that technically, it is not a county ordinance violation, it is a city ordinance violation and as a city ordinance violation; it should be brought into Union City Municipal Court. Mr. Davenport stated that he is not sure if it is currently working that way. He added that if this body has an issue with the anti-tethering ordinance, there are choices. He concluded that Union City runs the risk of not having the agreement renewed if the City does not want the County to enforce the ordinance as they have it written today including the anti-tethering ordinance.

Councilmember Williams motioned to renew the animal control contract with Fulton County. The motion died for lack of a second.

On motion of Councilmember Mealing seconded by Councilmember Williams and carried, Council voted to renew the animal control contract with Fulton County unanimously.

- Special Events bids

Mr. Bray reported that during the last meeting he received bids for a Special Events Coordinator ranging from \$15,000.00 to \$69,000.00. He then recommended forming a committee in-house with different departments to do these events.

Councilmember Mealing stated that one of the new employees with the Parks and Recreational department has a lot of experience in this area.

Mr. Bray stated that he would get with Mr. Blich.

- Bike Race

Mr. Bray reported that the Bike Race would take place on March 21 & 22.

- Opening Day Ceremony for Baseball

Mr. Bray reported that the opening day ceremony for baseball would take place on April 4 and they are planning a parade.

Chief Odom addressed the Council and stated that the copy of the contract that he had was dated on the 17th and he came to Council on the 17th requesting that Council not renew the contract. He added that he thought that he was in good time, but found that the contract was actually negotiated on March 1st and he was not in good time; therefore, the contract essentially renewed. Chief Odom stated that he has spoken with Mr. Davenport and instituted some policies based on the language in the contract to try and take care of some of the problems that they were encountering and if those things are adhered to, then they will show a net savings and come in within the budget,

but if they are not met then he will be back to visit the Council requesting to void the contact for cause.

Mr. Davenport stated that the contract is renewable every year and you have a 30-day window to not renew and if you do not exercise that, then the contract automatically renews for one year. He added that we also have a procedural problem because the Council voted not to renew the contract; however, the vote was inside of the 30-day window, so there needs to be a vote to resend that action.

On motion of Councilmember Jones seconded by Councilmember Williams and carried the aforementioned recommendation to resend the action taken in the previous meeting involving the solicitor was unanimously approved.

Mr. Davenport recommended entering into Executive Session for one personnel matter.

On motion of Councilmember Jones seconded by Councilmember Mealing and carried, Council entered into executive session for one personnel matter.

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

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

VII. ITEMS FOR DISCUSSION:

VIII. ADJOURNMENT: