



Council appoints does not have to live in Union City, but needs to be a business owner.

Councilmember Williams stated that he does not know Neil Koehl. He added that he even Googled him but found nothing.

Mayor Moore stated that this was created, in part, because of the common interest in State Route 74. He added that this Board keeps the City abreast as to the actions of 74. Mayor Moore concluded that the City has supported their efforts.

Councilmember Williams stated that he is concerned about some of the things that have occurred in South Fulton and he is concerned about the Council not knowing Mr. Koehl.

Mayor Moore stated that Council could request that Mr. Koehl come to the October 21 Council Meeting.

Council concurred.

This item was added to the Regular Agenda.

2. Approve request to execute the Housing Authority Cooperation Agreement.

City Attorney Dennis Davenport led this discussion and stated that this document was provided by the Housing Authority. He added that when the Housing Authority was created in 1957, part of that creation was to adopt a cooperation agreement. He further added that the agreement says that the City is going to treat the Housing Authority property like it treats all of the property in Union City. Mr. Davenport stated that this is a standard agreement for all housing authorities in Georgia. He added that this agreement was provided by the current Executive Director, Sandra Strozier, and page 1 of the document speaks of having 250 units, but this number can be anything that Council wants it to be. He further added that there are currently 16 units. He stated that this agreement is needed for the Housing Authority's file. He then asked if Council wanted to change the number of units in the agreement.

Council agreed to increase the number to 25.

This item was added to the Consent Agenda.

3. Approve request to contract with Dolce Atlanta-Peachtree Hotel & Conference Destination as the location for the 2009 Annual Council Retreat. (not to exceed \$1,739.00)

City Clerk Jacqueline Cossey stated that she and Mr. Bray visited several places and agreed that Dolce was the best place for the annual retreat.

This item was added to the Consent Agenda.

4. Approve payment to "The Donning Company Publishers" in the amount of \$16,008.12 for Union City Centennial Pictorial Books.

Mr. Richard Bray led this discussion and stated that he is in receipt of a bill that needs to be paid by October 16 for the centennial pictorial books. He added that the first

installment was paid back in 2007 in the amount of \$4,590.00 and now we owe \$16,008.12. He added that he was unable to find anything in the minutes stating that the Board had taken action to approve payment of the bill, therefore he was bringing it before the Board tonight for approval. He then asked Council to approve this item tonight.

Councilmember Jones asked if it would be paid out of the hotel motel fund.

Mr. Bray responded favorably.

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

5. Approve request to adopt an ordinance entitled "Identity Theft Prevention Program" to comply with federal regulations.

City Attorney Davenport led this discussion and stated that this is a regulation that was adopted by the Federal Trade Commission and it requires creditors to implement some red flag rules to try and help prevent identity theft issues. He added that under the regulation a city that provides utilities to the citizens is deemed to be a creditor so as a result the City is required to pass some version of what is called the Fair and Accurate Credit Transaction Act (FACT Act). He added that it is a rather lengthy ordinance but the City has until November 1 to get it on the books and, typically, it puts more of a burden on the creditors to recognize red flag issues that could occur. He further added that he has this set up to go through the Finance Department, but if Council thinks that there is a better place for it to go through; he was open to suggestions. Mr. Davenport stated this is going to be difficult to implement and it is going to have its challenges, but the City does not have an option and is required to do so by November 1<sup>st</sup>.

Mayor Moore asked if there was going to be any offsite training.

Mr. Davenport stated, not to his knowledge.

Mayor Moore stated that he could see finance but he could also see some back-up system to the Finance Department.

Mr. Davenport stated that section 15-260 allow the City to build in whatever they would like but he thought of the Finance Department; however, more can be added and this would be the place to do so.

Mayor Moore stated that there is going to be some investigative process that finance would not be able to do and he was thinking that the Police Department would handle that.

This item was added to the Consent Agenda.

6. Approve request to adopt an ordinance related to the enforcement of the City's code as it pertains to occupation taxes.

Mr. Davenport stated that this ordinance is more of a housekeeping measure of the occupation tax ordinance. He added that as of now, it is an enforcement mechanism through the Department of Public Safety and at that time the code enforcement officer was a part of Public Safety and that is no longer the case. He further added that

currently Code Enforcement is under Public Services so this amendment recognizes the fact that there has been a change in the way that we are organized and also recognizes Code Enforcement in the proper location as opposed to under the Department of Public Safety. He then reiterated that this is a housekeeping measure.

This item was added to the Consent Agenda.

7. Approve request to contract with Ann Almond as Union City's Newsletter Consultant at a rate of \$5,687.00 per issue.

City Clerk Jacqueline Cossey led this discussion and stated that she and Mr. Bray contacted eleven cities and of those eleven cities they found two consultants to prepare their newsletter. She added that she met with both consultants and found Ms. Almond's work more impressive. She further added that this is a budgeted item. Mrs. Cossey stated that the City Attorney reviewed the contract. She stated that Mrs. Almond has a flat rate and Mr. Pallend works at a rate of \$50.00 per hour. She concluded that the newsletters would be distributed to residents that receive water bills.

Councilmember Mealing stated that if this approach is taken, she feels as though the apartment dwellers are being discriminated against.

Mayor Moore stated that he would put more thought into how we could maximize distribution. He added that the water customer database is not a complete database. He added that he does not consider apartment dwellers as second class citizens in the community. He further stated that we could get a database from each apartment and it does not have to have a name, but it could reflect "Resident." He stated that we should take the extra effort and get the apartment dwellers' address and apartment number. Mayor Moore stated that the apartment dwellers are just as interested as the single family.

Councilmember Jackson asked how often would the newsletters go out.

Mayor Moore stated, quarterly.

Mayor Moore asked when the newsletter would start.

Mrs. Cossey stated, the first issue would be released in January, but it would cover October, November and December.

Ms. Lippmann stated that she has the information for the apartment dwellers from the 2000 census.

Mr. Davenport stated that there is a contemplation of selling ads in the newsletter and based upon the contract 20% of the money would go to Ms. Almond and 80% would go to the City. He then asked if the City had any type of standards with respect to the types of ads that would be acceptable. He added that it would off-set the expenses. He then concluded with respect to the content of the actual document, he would presume that the City would have final editorial oversight with respect to what goes out in the newsletter.

Mayor Moore stated that Mr. Bray would be that person. He then added that a fee structure has not been set for advertisement. He further added that he would like to

strike that now and come back and talk about advertising at a later time, maybe during the second or the third issue. Mayor Moore stated that right now he would like to see the newsletter get going.

Mr. Davenport stated that if there is going to be an increase of newsletters we know there is going to be a hard cost increase of printing and a hard cost increase of postage. He then asked if Ms. Almond's cost would remain the same.

Mrs. Cossey asked Ms. Almond to respond.

Ms. Almond stated that her cost would remain the same.

Mr. Bray asked Ms. Almond if there were any type of restrictions on ads with any of the other cities that she works with.

Ms. Almond stated that only on campaign information or political advertising.

This item was added to the Consent Agenda with modifications to remove advertising.

8. Approve request to advertise bid opening dates for the Highpoint Road Paving Project.

Sylvester Alexander of Keck & Wood led this discussion and stated that this request was made to approve the advertisement and bid opening dates for the Highpoint Road Paving Project. He added that the recommended advertisement date is October 29, 2008 and the bid opening date would be December 4, 2008 and Highpoint Road from Roosevelt Highway to Dodson Road will be repaved. He further added that the header curb from Roosevelt Highway to Wellington Subdivision will be replaced. Mr. Alexander stated that the sidewalk will be added on the west side of Highpoint Road from Wellington Subdivision to Valley Lakes.

Mayor Moore stated that the extension of the road from Wellington to Dodson Road was bonded for 1.2 million. He then asked if prices had gone up that much since then. Mayor Moore asked if it cost 1.2 million dollars to construct the new portion. He then stated that the cost to repave is 1.1 million.

Charles Corbin of Keck & Wood stated that the cost went up and came back down.

Mayor Moore asked if the City could include the pedestrian bridge and be reimbursed.

Mr. Davenport stated that it would all depend on how the grant money, which is federal dollars, for the pedestrian bridge would be used as reimbursement. He added that it sounds logical but when you are dealing with federal grants, the regulations are really specific and if you do anything wrong they will take their money away. He further added that you must make sure that what you do is consistent with what you can do with federal grant money.

Mayor Moore stated that he is trying to avoid two separate projects going into two separate directions. He then stated that he is wondering whether or not the City could use the bond monies to build the bridge based upon their plans and come back and reimburse ourselves once the grant monies are made available.

Mr. Davenport stated that on the bond side, there should be no problem extending the bond dollars and the only issue would be the reimbursement side and Bron Cleveland

should be familiar enough with those documents to know whether or not that is going to be an issue.

Mr. Bray stated that he has a meeting scheduled with Bron Cleveland tomorrow at 2:00 p.m.

Mayor Moore stated that it would be prudent to pull both of those projects together, but if that were to occur who would be the project manager.

Mr. Corbin stated that it would be for Mayor and Council to decide.

Mayor Moore stated that the City is paying Bron Cleveland to be the project manager over the bridge project and Keck & Wood as project manager on the other project.

Mr. Bray stated that he would discuss this with Bron Cleveland tomorrow.

This item was placed on the Regular Agenda.

9. Approve request changing the GDOT grant application for SR 138 at Buffington Road from operational improvement to a safety improvement project.

Mr. Alexander led this discussion and stated that this project started a few years ago and was put under a safety improvement project. He added that a safety improvement project has a cap of \$750,000.00. He then stated that the original intent was to add left turn on both sides of Buffington Road and update the existing signal with protected left movements for all approaches to the intersection. He added that a meeting was held with Georgia Department of Transportation (GDOT) and it was concluded that the maximum allotment of \$750,000.00 for an operational improvement project would not sufficiently cover the costs for the necessary intersection improvements. He added that in order to qualify as a safety improvement project there must have been a fatality at that intersection within the last seven years, which has occurred at the intersection of State Route 138 and Buffington Road. He then stated that there is no funding cap for safety improvement project. Mr. Alexander stated that the Federal Government's share is 90% and the local share is 10%. He then concluded that currently the application is based under a operational improvement and he is asking to change that application to a safety improvement.

This item was placed on the Consent Agenda.

10. Approve request to waive penalty and interest accrued on the 2005-2007 taxes for 09F-2207-0087-0263. (*Total approximately \$358.35*)

Ms. Lippmann led this discussion and stated that this is a request from Habitat for Humanity of South Fulton and they were donated property that had been owned by Property Specialist, Inc. She added that unbeknown to Habitat for Humanity their donation had three years of taxes due. She further added that the property was scheduled for the August tax sale and Habitat for Humanity did pay the majority of the amount due for the three years and they are requesting waiver for the remaining \$358.35.

Mayor Moore asked if there were any objections to their request.

No objections were made.

This item was placed on the Consent Agenda.

11. Approve request for redevelopment powers designation.

At this time Mayor Moore stated that there is a request from Frank Schuler of Orientstein Schuler Capital partners. He added they would like to make a presentation of the redevelopment powers designation.

Frank Schuler addressed the Mayor and Council referred to his presentation, the Parkway South Economic Development Plan. He added that he wanted to talk to Council about the job tax program for South Fulton Parkway that could help Union City, the community, and the land owners to attract businesses to the parkway as well as improve the quality of life and economic sustainability to the parkway and Union City. He then introduced Joseph Young, Counsel for the company.

Mr. Young stated that he wanted to speak with the Council about opportunity zones. He added in the past General Assembly, the House and Senate passed House Bill 1273 to expand the designation of opportunities. He further added that South Fulton has some, but it has been limited to relative small areas with high poverty. Mr. Young stated that the General Assembly amended that to allow opportunities zones to be expanded to include census trapped areas that are adjacent to current areas and that also lowered the cap down to 15% and because this there are traps in Union City that have become eligible for designation of opportunities zones. He then stated that opportunity zones allow you to alter tax credits in the method of collecting tax credits such as state income tax that is not available otherwise within the county. He added that Fulton County is a tier two county and because of that, when you create a job or relocate a job in Fulton County you are eligible for a \$3,500.00 tax credit, but that tax credit can only be taken against the company's income tax. He further added that becoming an opportunity zone allows the maximum tax credit of \$3,500.00 which allows the company that has no income, for tax reasons, to start a company to take it against the withholding taxes which allows them to cash it out effectively every two weeks. Mr. Young stated that this is a tremendous competitive advantage that goes on for 5 years and because of this designation, he designates parts of Union City, under an urban redevelopment plan, eligible to make businesses locating within this area eligible for state tax credits. He added that those state tax credits do not come out of Union City, but of the state budget.

Mayor Moore stated that we are not just competing with Metro Atlanta, Alabama, Tennessee and Florida, but we are competing with the eastern half of the United States. He added that the people in the Midwest have a lot of tools for redevelopment and Georgia has very few and there are not many people taking advantage of it. He concluded that we should avail ourselves to all possibilities and this is a simple process.

Frank Schuler stated that he has already done a fair amount of the leg work and spoke to the Department of Community Affairs. He added that in the end it is a discretionary call by the Department of Community Affairs assuming you pass a redevelopment plan, then an application is submitted for an opportunity zone and it is then approved by a board. He further added that the infantry level, the Department of Community Affairs are very excited about South Fulton Parkway and there has already been a plan that has been developed by a number of land owners to attract companies. He

reiterated that a redevelopment plan would have to be passed and an application would have to be submitted and his company is willing to assist Union City in that endeavor.

At this time Mayor Moore instructed staff to begin working on an ordinance for a plan.

Mr. Schuler added that the redevelopment plan and the application for the opportunity zone can be worked on concurrently to potentially have a shot in December. He added that there are only so many of these zones that will be granted.

After a brief discussion Mayor Moore asked if some action needed to be taken to acknowledge this.

Attorney Davenport stated that they would need action to proceed and come back during the November meeting.

***On motion of Councilmember Mealing, seconded by Councilmember Jackson and carried, Council directed staff to proceed with exploring the creation of an opportunity zone. The motion was approved unanimously.***

V. RECOMMENDATIONS FROM THE PLANNING COMMISSION: None.

VI. OTHER BUSINESS:

Mr. Bray stated that Council asked for an update on the project that Keck & Wood was involved in and Mr. Corbin was present and could provide and update tonight.

Mr. Corbin stated that he was unable to provide an update tonight, but he could provide an update on Tuesday night during Regular Council Meeting. He then reported that the road program is going very well at this time as they are under budget, ahead of schedule, and doing much more work than originally anticipated.

Mr. Bray reported that at the last meeting he provided Council with a donated leave and bereavement policy and they could take action on it at their next meeting unless there are questions.

Councilmember Mealing asked if the overtime was budgeted for the event on Saturday.

Mr. Bray responded that he has recommended that the City pay overtime for employees in conjunction with the Fair Labor Standards Act for anybody that has to work overtime during the Centennial process. He added that he believes that money was budgeted.

Councilmember Mealing asked if Mr. Bray had an idea as to how many people would be working.

Mr. Bray responded not at this time but he would get a better idea during staff meeting tomorrow. He added that the majority of the overtime will come on Wednesday, Thursday, Friday and Saturday and he would get her those figures.

Mayor Moore asked Mr. Bray to put that information in an email to all members of the Council.

Mr. Bray reported that Georgia Military College has moved out of the old school building and he wants to relocate the Clean and Beautiful operation to another location. He added that he was informed that they used to operate out of the City Depot and he wants Council's approval to relocate them to the City Depot. He added that they do not have to be there every day. He added that he wants to relocate them as soon as possible in order to shut the old school building down.

Mayor Moore asked if there were any objection to relocating the Clean and Beautiful Committee.

No objections were made.

Mr. Bray reported that Marta is developing a bus route off of Highway 138 so that Marta can have a layover on Lancaster Lane.

Mayor Moore asked if Council objected to this layover, would Marta still have the right to public right-of-way.

Mr. Bray stated, he thinks so because the drivers have to have breaks during the day because the drivers do not have full lunch breaks, so this would be a place where the bus would stay for 15 to 20 minutes at different times during the day.

Councilmember Mealing stated that she would like for Mr. Bray to relay Council's objection of this route to Marta because the City has just repaved the streets and she does not want the buses to tear up the streets.

Mr. Bray stated that he would write a letter to Marta at Council's request.

Mayor Moore stated that it would have to be a consensus of the Board.

Councilmember Mealing was in favor of the letter.

Councilmember Williams stated that he did not have a problem with it because Union City has to be a good neighbor as well as a good partner because there will be times that the City would need Marta in the City for the citizens and that must be taken into consideration.

Councilmember Jones asked for clarity regarding the route.

Mayor Moore stated that he would rather that Marta did not include Shannon Parkway in this route.

Mr. Bray asked if this should be placed in the form of a letter.

Mayor Moore responded, yes. He then informed Mr. Bray that he should attend Marta's public hearing.

Mr. Bray also reported that on October 15, 2008 the intergovernmental agreement for inmates with Fulton County is on Fulton County's agenda. He added that he would provide a report at the next Council meeting.

Lastly, Mr. Bray reported that he spoke with several Councilmembers regarding the footbridge that was destroyed during a rain storm and reported to the City by Mr. Bryant. He added that Council wanted to discuss the damages and the cost to repair the bridge.

At this time, Mayor Moore opened the floor for discussion regarding the destroyed footbridge.

After a lengthy discussion exploring options regarding the footbridge, Council directed Mr. Bray to determine the value of the property that was destroyed and report back to the Council.

Councilmember Mealing also asked to receive two additional bids for the bridge for a total of three bids of the City's choice.

At this time Mayor Moore stated that Council needs to make a decision regarding Dixie Lake and respond to the residents.

Councilmember Jackson stated that her position is that the residents own the lake and she cannot justify spending taxpayers' money on private property.

Council agreed.

Mayor Moore instructed Mr. Bray to draft a letter and send it to the residents who addressed Council regarding Dixie Lake and inform them of Council's decision.

Mayor Moore instructed Mr. Corbin to move forward with storm water utility and fee structure. He then asked if there were any objections from Council.

No objections were made.

Mr. Corbin stated if Council wants to move forward, we need to look at two ordinances. He added that one ordinance establishes the storm water utility and the other ordinance establishes the fee system that goes with it. He further added that if those are adopted, he would need to simply set up the mechanics of how to make it function within the City's structure.

Mayor Moore asked Mr. Corbin to begin laying the ground work for it.

ITEMS FOR DISCUSSION:

1. Housing Authority Member, Phyllis Brown, term expires October 31, 2008

Mayor Moore asked that this nomination be placed on the agenda for Tuesday.

2. Appointment of Development Authority Board Members

Mayor Moore asked if Council had any nominees.

Councilmember Mealing stated that she had someone in mind.

Mayor Moore stated that each Councilmember was to come up with one name each, but if another Councilmember gave more than one name; that would be fine.

Ms. Lippmann stated that a member of the Council could serve on the Development Authority Board.

Mr. Davenport stated that if the Council provided the names at the next meeting, he could prepare an ordinance to be adopted in November.

Mayor Moore stated that Council should also think about a part-time executive director for the next budget cycle.

3. Planning Commission Board Member and Zoning Board of Appeals Board Member serving a dual role

Mayor Moore stated that this is traditional in many cities. He added that it cross pollinates what each board is doing. He then asked Ms. Lippmann to ask if anyone on either board is interested in serving the dual role.

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

Attorney Davenport briefed Mayor and Council on a threatened litigation issue.

***On motion of Councilmember Mealing, seconded by Councilmember Jackson and carried, the vote was unanimous authorizing Attorney Davenport to proceed.***

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

Mayor Moore stressed his concerns regarding the entire Centennial celebration.

## VII. ADJOURNMENT:

There being no further business the meeting was adjourned.

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