

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

Present: Mayor Ralph Moore, Councilmembers 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

Absent: Councilmember Shirley Jackson

I. REVIEW OF MINUTES:

Public Hearing, August 8, 2008
Worksession Council Meeting, 08/11/2008
Regular Council Meeting, 08/19/2008
Called Council Meeting, 08/19/2008
Called Council Meeting, 08/21/2008
Called Council Meeting, 08/27/2008

All August 2008 Council Meeting minutes were added to the Consent Agenda.

II. OLD BUSINESS:

1. **Public Hearing** to consider a petition by Airport Center III at Oakley Park, LLC for variance from the Stream Buffer Protection Requirements as it relates to stream buffer setback and buffer for Majestic Airport Center III at the end of Oakley Industrial Boulevard. (*this item was tabled for 60 Days on July 15, 2008*)

City Planner Ann Lippmann led this discussion and stated that the Army Corps of Engineers has made a determination that the "stream" that Majestic is requesting a stream buffer variance for is wetlands. And, the next step is to determine if a stream buffer variance is necessary due to the determination made by the Corps of Engineers. Ms. Lippmann stated that the Corps of Engineers will contact the Georgia Soil & Water Conservation Commission (GSWCC) to obtain their opinion. She added that if GSWCC holds the opinion that the area in question is state waters that require a buffer, the City will request that Georgia Department of Natural Resources Environmental Protection Division make a final determination. She concluded that she would be requesting that the item be postponed for 30 days

This item was added to the Consent Agenda

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. Approve request to establish a date to conduct the Veteran's Day memorial ceremony for 2008.

Chief Mansch led this discussion and stated that he would like to designate Friday, November 7, 2008 as the date to conduct the Veteran's Day memorial ceremony in Mayors' Park. He added that the event would begin at 6:30 p.m.

This item was added to the Consent Agenda

2. Council to consider whether or not to give qualifying tax payers the Homeowner's Tax Relief Grant credit for Tax Year 2008. (*requires action on September 8, 2008*)

Mr. Bray led this discussion and stated that Council addressed this item earlier while in the process of adopting the 2009 budget. He added that the revenue was removed from the budget in the amount of \$80,000.00 for this item suspecting that the State would not refund it. Mr. Bray stated that Ms. Lippmann is in the process of preparing the tax bills for this year and the question is whether or not to give the deduction of \$36.00 for those that are eligible for homestead exemption. He stated that if it is put on the bill and the State chooses to refund the money, then the City will be refunded but if not then the City will not be refunded.

Mayor Moore asked if there would be any discussion.

City Attorney Dennis Davenport stated that if Council decides not to participate and it is not placed on the tax bill and the State decides to refund it; the City will not get anything and the taxpayers will not have any credit for it as well.

Mayor Moore recommended that Council add the Homeowner's Tax Relief Grant credit to the tax bill and hope for the best.

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

- ~~3. Approval of agreement with Gospel artist Deitrick Haddon. **Item Removed**~~

Mayor Moore stated that although this item was removed from the agenda; he would like clarity regarding the matter.

After a brief discussion regarding the cost to secure Mr. Haddon and several other gospel artists, the following motion was made:

Councilmember Williams motioned to deny approval of the contract, seconded by Councilmember Jones for discussion. The motion failed two- to- one (2 to 1). Councilmembers Mealing and Jones cast the descending votes.

After further discussion, Councilmember Williams stated that he was currently working on obtaining another gospel artist for a smaller fee.

Councilmember Mealing suggested that Council have a Called Meeting on Wednesday to allow Councilmember Williams time to secure another artist.

Mayor Moore recommended postponing the item until Wednesday. He also recommended conditionally approving Mr. Haddon's contract should Councilmember Williams not secure a contract with another artist by Wednesday. He added if no

other artist was secured by Wednesday, the check for, \$6,250.00, half of the agreed amount, would be sent to Mr. Haddon.

On motion of Councilmember Jones, seconded by Councilmember Mealing and carried, the aforementioned recommendation was approved two- to- zero-to-one (2 to 0 to 1). Councilmember Williams abstained.

4. Approval of the 2010 Census Partnership agreement.

Mr. Bray led this discussion and stated that he wanted Council to know that it would be to the City's advantage to participate because this count goes into many different formulas for Federal and State purposes to secure money when applying for grants.

Councilmember Mealing stated that many of the items in the contract were optional, not mandatory.

Mayor Moore stated that Mr. Bray should check the options that he is willing to commit to and bring to back before Council on Tuesday night.

This item was placed on the Regular Agenda.

5. Council to consider request by Robert Burns to waive a water bill in the amount of \$4,218.45. *(the home is vacant and belongs to his deceased brother)*

Mayor Moore stated that he asked that this item be placed on the agenda because this house is located directly across the street from him and the gentleman who owned the home passed away. He added that, unfortunately, the home suffered a break-in and the copper was taken while the water was still on which is why the water bill reflects an increase. Mayor Moore stated that he is requesting on behalf of Mr. Burns that Council waive the fees to reflect a normal bill because this was something that was totally out of his control.

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

6. Approve request for a change order for the Shannon Parkway Drainage Project in the amount of \$1,680.00. *(this is the second change order for Shannon Parkway)*

Sylvester Alexander of Keck & Wood led this discussion and stated that the change order was due to additional washouts on the project sites.

Mayor Moore stressed his discomfort with Keck & Wood servicing as the City's project manager and designer at the same time. He felt that this was a conflict. Mayor Moore further stated that Keck & Wood does a good job, but the City is sending mixed messages by allowing them to serve as the City's project manager and designer.

Mr. Alexander stated that this change order would close out this project. He added that the City currently has 10 active projects.

Councilmember Jones stressed that this item should be approved tonight to allow Mr. Alexander to complete the project instead of waiting until next week.

Councilmember Mealing stated that she was concerned about the number of change orders.

Councilmember Williams stated that the change orders seem to be habitual and he has a problem with habitual change orders.

Mr. Alexander stated that it is not unusual to have a change order and Union City has 10 active projects.

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

7. Approve request for a change order for the Littleton Drive Pipe Replacement and Pavement Project in the amount of \$18,000.00.

Mr. Alexander led this discussion and stated that the change order is due to 90 linear feet of pipe that has to be relocated to complete the project and an 8" ductile iron water pipe that was revealed during excavation.

Mayor Moore asked if we should have known that the pipe was there before now.

Public Services Director William Landrum stated that the problem is not the location of the pipe but the elevation of the pipe.

Mayor Moore stated that Mr. Alexander's report is misleading as it sounds as though the pipe was recently revealed.

Councilmember Jones stated that he would like to see this item approved tonight.

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

8. Approve request for a change order for Group Three in the amount of \$954.13.

Mr. Alexander stated that this change order is due to the paving of additional driveways and other acts that extended the limits. He concluded that this change order will allow him to close out this project.

Councilmember Williams stated that he had a problem with the amount. He then asked if the City had any other projects with that particular contractor.

Mr. Landrum stated that these types of change orders prevent huge problems. He added that if he does not get the elevation of the driveway entrances up with the existing streets, a major rain will produce a washed out yard. He concluded that they are working to prevent future problems.

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

9. Approve request for a change order for Group Two in the amount of \$33,272.50.

Mr. Alexander led this discussion and stated that this change order was due to widening the radius of State Lot 138 on Buffington Road, widening the radius at Buffington Road and Lester Road, repaving the intersection at Lester Road and Red Oak, and adding stripping along Lester Road. He concluded that this change order would allow him to close out this project.

Mayor Moore stated that this sounds like a design issue.

Mr. Alexander stated that the Lester Road project has issues and the pavement was taken off of that job and placed on this job.

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

10. Approve request to add a 10% contingency for all future construction projects for change orders.

Mr. Alexander stated that all change orders are required to be approved by Mayor and Council before the work can be executed. He added that it is rare to complete a construction project without any change orders. He further added that the current structure causes delays in completing projects since the Council only meets once a month. Mr. Alexander stated that Keck & Wood is proposing adding a 10% line item to the contract that would be used for change orders and if there are no change orders during the project, the money would be returned to the 2006 Bond Series account. He concluded that Mr. Landrum and Mr. Bray would be responsible for signing the change order if one is needed.

Councilmember Mealing asked what would happen if the change order was more than 10%.

Mr. Alexander stated that it would come back before Mayor and Council.

Mayor Moore asked Councilmember Jones if Fulton County provided such in their construction contracts.

Councilmember Jones stated that Fulton County does put some type of contingency in the construction projects. He added that the amount depends on the size of the project and that it could be up to 15%.

Mr. Alexander stated that 10% is standard for governmental agencies.

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

11. **Public Hearing** to receive citizen input on the proposed materials recovery facility located on Dodson Road by Technical Environmental Solutions & Recovery Facility.

Ms. Lippmann led this discussion and stated that this is pursuant to state law. She added that Technical Environmental Solutions & Recycling, LLC wants to open a material recovery facility on vacant property located on Dodson Road. She further added that stated law requires public input on the proposed materials recovery facility. She concluded that that the property is currently zoned Light Industrial and meets the zoning requirements.

This item was added to the Regular Agenda.

V. RECOMMENDATIONS FROM THE PLANNING COMMISSION:

None.

VI. OTHER BUSINESS:

ITEMS FOR DISCUSSION:

1. Roof Replacement

Mr. Bray stated that he has been working for weeks on the condition of the roof and he is working on a recommendation to bring before the Council on Tuesday. He added that the money involved ranges from \$47,000.00 to \$130,000.00 to repair or fix the roof. He further added that he is going to give the best recommendation that he can to resolve the matter.

Council member Mealing stated that we are done with patching.

Mr. Bray concurred.

2. Rental of Etris Community Center (one event per day)

Mr. Bray stated that facility rules for renting the Etris Building allows events to occur on Saturday and Sunday from 8:00 a.m. to 10:00 p.m. and well as Monday through Friday from 5:00 p.m. to 10:00 p.m. He added that there is one hour between rentals and multiple rentals are allowed. Mr. Bray stated that he would like to make a suggestion regarding the multiple rentals because the cleaning between the events pose a problem because no one is there to oversee or inspect the building between events. He added that we want to be sure to hold the right group accountable for any damages that may occur. He then recommended having one event per day especially on Saturday and Sunday.

Councilmember suggested having two hours between each rental because there is no oversight as to how the people are taking care of the building nor cleaning the building between rentals until Monday morning. She proposed having a member of staff there.

Mr. Bray stated that he may include these duties into the part-time person's duties and responsibilities once he or she is hired.

Mayor Moore stated that to pay an hourly employee to supervise these events, the person would be on call throughout the day and this would be costly and the City would not be making any money.

Mayor Moore suggested purchasing a small digital camera to take pictures of the facility, before and after events for damage purposes.

3. Use of GMC Building

Mr. Bray stated that Dr. Condon provide him a letter stating that GMC would be leaving the building on October 31, 2008. He added that since that time he has had at least four individuals requesting to rent the building. He then informed Council that they should give some thought as to what they would like to do with the building once it becomes vacant. He concluded that he wants to turn the utilities off as soon as possible and close the building up until Council makes a decision as to what they want to do with the building.

Councilmember Jones agreed that Council should come up with a plan of actions regarding what they want to do with the building.

4. Mr. Bray stated that there are some policies the he is working on and he wants to bring them to the Council as soon as possible regarding donated leave, bereavement leave, and the probationary policies. He added that some of these policies are clearly

ambiguous and they need to be clearly defined so that they can be administered properly.

Councilmember Mealing stated that she had the opportunity to review some of those policies and there are some major issues especially with the donated leave policy. She added that it appears that when the policy was written, it was written because one of the members of staff was ill. She further added that the policy is very vague and did not define what catastrophic means. Ms. Mealing stated that a pregnancy over the age of 35 is considered high risk because there may be complications with the pregnancy and other medical issues. She stated that we need to keep in mind that we need to retain good employees. She then directed staff to look at some other policies. She concluded that the policies in the personnel policy manual look as though they were written back in the 1930's or 1940's.

5. Councilmember Mealing stated that Mayor Moore charged her and Councilmember Williams with coming up with a master plan for Parks and Recreation back in January. She further stated that she and Councilmember Williams met and she is ready to move forward by utilizing CDBG dollars to pay for it.

Mayor Moore stated that CDBG dollars were placed in the budget and approved for Parks and Recreational use.

Councilmember Mealing reiterated that she is ready to move forward.

6. Mayor Moore announced that Fulton County Board of Commissioners approved Union City's Tax Allocation District (TAD).

VII. ADJOURNMENT:

There being no further business the meeting was adjourned.