

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, APRIL 4, 2011**

Present: Mayor Joe Jerkins  
Kirsten Anderson  
Trudie Causey  
Randy Green  
Virginia Reagan  
Martin Standard  
Scott Thomas

Absent: D. Soesbee

The regular meeting of the Mayor and the City Council was held on Monday, April 4, 2011 at 7:00 P.M. at the City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Deputy City Clerk, General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order and Reverend David Pearce gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any Council Member would like to add items to the Agenda. City Attorney Scott Kimbrough stated he would like to add 14A. – Review of the Social Host Ordinance. (Information Only.)

**2. CONSENT AGENDA – INFORMATION AND UPDATE**

(No Action Required by Council – See Specific Department Director before Meeting.)

**3. CONSENT AGENDA**

- A. Approve Bills
- B. Approve Legal Bills \$1,150.00
- C. Approve Minutes of Regular Council Meeting March 7, 2011

*Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Mr. Green. Motion passed (6-0).*

Mayor Jerkins presented 5-year pins to Officer Greg Bowling, Officer Brandon Clark and Officer Joseph Jefferson of the Police Department. Mayor Jerkins thanked them and told each one how much he appreciated their efforts and hard work.

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**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

Ms. Ann Turner stated her name and stated she lived at 5415 Austell-Powder Springs Road. Ms. Turner stated she would like to comment on the park. She stated it looked very good. I like the covers on the dugouts and I didn't realize that snapdragons would survive the winter. I discovered last week they are blooming again and the roses are too up along the fence. The pansies have been blooming all winter. I do have a question, who is the person I should call when I discover the light son in building three on Saturday morning, Sunday morning and Monday morning. I walk between seven and eight in the morning. I called dispatch down at the Police Department and they told me they would take care of it. The lights were still on this morning. Mr. Graham stated we just finished wiring the building and getting the power up and running. There are supposed to be night lights on that work off of photo cells and apparently something is not working. Ms. Turner stated these lights are in the building. Photo cells do not work inside the building. Mr. Graham stated he would have it checked out I don't know why the lights were on in the building. Ms. Turner stated as a citizen I am paying for that power bill. Mayor Jerkins stated GPS who will take over the park will be paying for this soon.

**6. GAS SYSTEM REPRESENTATIVE**

**JOE JERKINS**

Mr. Kimbrough stated he attended the meeting and the regular business of adopting the gas rate schedule applicable for this billing period was all that came up.

**7. FINANCE DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON**

**Denise Soesbee, Director**

- A. Financial Report

**8. GENERAL ADMINISTRATION**

**KIRSTEN ANDERSON, CHAIRPERSON**

**Carolyn Duncan, Director**

- A. No Report

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Mayor Jerkins asked the Council to move ahead to Item 13, Community Affairs Department for a Zoning issue.

**9. POLICE DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON  
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Application for Business License for Alcohol Sales – Texaco - Nathan, LLC  
Ms. Reagan stated Mr. George Yohannes applied for a Privileged Business License. He is the new owner of Texaco, located at 2671 Jefferson Street. His fingerprints have been submitted through Livescan, his Criminal History has been run, and has returned with no history. All fees associated have been paid.

*Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Application for a Privileged Business License for Alcohol Sales. Mayor Jerkins asked if it was beer only or beer and wine. Ms. Reagan stated it was for beer and wine. Seconded by Mr. Thomas. Motion passed (6-0)*

- D. Underage Alcohol Sales Hearing – Margarita's  
Ms. Reagan stated on November 22<sup>nd</sup>, 2010 the Austell Police Department conducted an Alcohol Underage Compliance check.

An employee of Margarita's sold alcohol to a minor. This employee has now completed her Court case (See information attached.)

At this time a hearing will be conducted on the business of Margarita's for Violation of Underage Sales. See attachment for more information concerning past sales.

Mr. Kimbrough called for a Public Hearing in reference to the Underage Alcohol Sales at Margarita's located in the City of Austell at 2856 Veterans Memorial Highway. Mr. Kimbrough asked Chief Starrett who would be representing the City of Austell. Chief Starrett stated he would. Mr. Kimbrough asked who is here on behalf of Margarita's.

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Mr. Erick Toso stated he was the owner of Margarita's and he would represent Margarita's. Mr. Kimbrough swore in both Chief Starrett and Mr. Toso.

Chief Starrett stated on November 22, 2010 the Police Department conducted an alcohol compliance check at Margarita's located at 2856 Veterans Memorial Highway. We sent two people into the restaurant under the age of nineteen years of age, a male and a female. They ordered two beers and were served. The Sheriff's department was inside when it happened and they arrested the server who was Branda Rios. She was cited for two counts of selling to an underage person, and one count of not having a permit. She plead NOLO on 03/17/2011 to one count of selling to underage, second count was nolle prossed, the permit charge was nolle prossed. She had a fine of \$414.00, and she has to do twenty-four hours of community service. Mr. Kimbrough asked if anyone had any questions for Chief Starrett. Mr. Green asked how many violations has there been. Chief Starrett stated this was third time. Mr. Green asked what dates were these violations on. Chief Starrett stated in 2009. Mayor Jerkins stated they were placed on three months' probation at that time and then the next time was December 8, 2009 and they were put on six months probation at that time. Mr. Green asked Mr. Toso how long he had been in business. Mr. Toso stated he was in his third year there. Mr. Green stated that is not a very good record. Mr. Kimbrough asked if anyone else had any questions for Chief Starrett. No one did. Mr. Kimbrough stated to Mr. Toso he could speak now.

Mr. Toso stated being in business for two and half years and going on our third year. Basically, this is a family owned restaurant and I also have another business I run. I always try to rely on quality people to help me do business whether it is the restaurant business or the other business. It is so sad that sometimes these girls who are eighteen and older and I have two daughters who work in restaurants and they like it because they are close to home. They are very responsible and have never been in trouble. I preach to them how important it is for the young kids to be responsible. I have some folks here in Austell and I feel I need to give them an opportunity to work and these are girls who need to work who need the money. It makes me happy to be able to give them a job. Then it makes me sad because they have to pay the fines and do community service. The manager of the restaurant I had to let him go as well because he responsible for the servers and what happened to my restaurant. I have basically taken over all the responsibilities and my son and my wife have been helping me out. So I think for the time being we will be the ones running the restaurant.

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We are doing a wonderful job because I get a lot of response from the customers and the community. I love the building ever since I have taken it over. Now, that I have it fixed up I am getting a good reputation and I want to make the City of Austell proud. My goal is not to be here before the Mayor and Council. I have definitely been corresponding with my boys and telling them they need to be more careful. I remind them every day and also if they don't do it they will not have a job. Mr. Green asked Mr. Kimbrough if he could ask Chief Starrett one more question. Mr. Green asked how many operations per year are required. We do a compliance check four times a year and we go to every location that serves alcohol. Mr. Green stated so Mr. Toso has one out of four each year. That is not very good. Mr. Toso stated I know the times we do bad, but I do not know the times we do good. I think there are some businesses you actually get a letter from saying we came by today and you did a wonderful job. Here in Austell I never know if we are doing good are what. But, all the bad stuff I definitely know immediately. Mr. Green stated it is a very serious matter if one person goes out of your business underage and drunk and kills someone. Ms. Causey stated or gets killed themselves. Mr. Toso stated I don't know if you remember but we used to stay open later than eleven o'clock and they wanted us to stay open later and I told them I wanted it to be a family restaurant. I don't want a bar and people drinking too much and we do monitor that and now we close at eleven o'clock. If we close at nine o'clock on Sunday we will close at nine o'clock. We are not trying to go beyond any late hours. My priorities are good food and a clean family restaurant. Mr. Green stated he would like to make a suggestion why don't you card everyone that comes through the door. Mr. Toso stated you know we card our regular customers all the time and they don't seem to mind. I just tell them the girls are just doing their job. Mr. Standard asked Mr. Toso if he had a separate bar and I know it is a restaurant, but is the bar separate? Mr. Toso stated my restaurant the floor plan is open but, yes, the bar is separate. If everyone is paying attention you can tell if they are underage. When I am there I can see every single customer from every corner. I am checking and making sure no one is drinking too much and they are not underage. Ms. Anderson stated it is not a matter of them just looking old enough because if I am with my seventeen year old daughter they ask her if she would like a glass of wine. My point is you can't assume someone is old enough so you need to card everyone no matter how old they are. Mr. Green stated if you card everyone then you will not miss someone. Mr. Toso stated that is exactly what we are doing right now.

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Mr. Standard asked would it be possible, and it may interfere with productivity, but to have your patrons go to the bar and order their drinks. Two things you can get out of that and one is you can watch them walking back and forth and if they are tripping over tables then they have had too much as opposed to the drinks being served at the table.

It seems your servers get in a hurry and they don't have time or they don't take the time to check the patrons. If you make it the responsibility of the guy behind the bar and again, I am sure it will slow your business down, but the alternative is you may lose your license as far as serving alcohol at all and it might be something to consider and you will not have to worry about the guys and the girls asking for driver's license. The guy behind the bar one on one checking the I.D. and finding out if the person is old enough. Mr. Toso stated we are taking a lot of responsibility into our hands. We are telling them now to let me or one of the Managers to check the I.D.'s. They actually ask for the I.D.'s but they cannot do the math. Some people are good with math and some are not. This is the problem they don't know how to add. I think Branda Rios checked the I.D. but didn't do the adding. So, she missed by a couple of years. Mr. Green stated they have calendars that have the date. Mr. Toso stated he had put up a clock on the bar that changes automatically. We will start taping things on the walls everywhere we can which we have been doing. Our POS system will blink every time you clock in or order an alcohol drink and tell you to check an I.D. before you ring it up. We are doing everything in our power to correct that. The only solution I have is to take full responsibility for the restaurant so the manager in charge is not forgetting what we are supposed to be doing there. This will be protecting our kids and families in the community. We do have people that we do not serve. We have several customers who come in all the time and they look like they are already intoxicated. My wife just panics and tells me she can't give him another drink. We don't know if he is on medication or some type of illness but we do not serve them. Mr. Kimbrough asked if anyone had any questions for Mr. Toso or Chief Starrett. No one did.

*Mr. Thomas moved to close the Public Hearing. Seconded by Ms. Causey. Motion passed (6-0).*

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*Ms. Reagan moved to follow the recommendation of the Police Committee for nine months probation on the Privilege License for Margarita's located at 2856 Veterans Memorial Highway. Seconded by Mr. Thomas. Motion passed (5-1 Mr. Green Voted Against).*

*Ms. Reagan stated the next step would be suspension of your license. Mr. Toso stated he talked to his guys all the time and they know I am serious about this. I want to make you guys proud of the restaurant in the City of Austell and this is my goal. We will make it right.*

**E. Underage Alcohol Sales Hearing – Marathon**

Ms. Reagan stated on November 22<sup>nd</sup>, 2010 the Austell Police Department conducted an Alcohol Underage Compliance check.

An employee of Marathon sold alcohol to a minor. This employee has now completed his Court case (See information attached.)

Mr. Kimbrough stated he would like to call for a Public Hearing in reference to Marathon for violation of Underage Sales. Mr. Kimbrough asked who was present to speak on behalf of Marathon. No one was present. Mr. Kimbrough asked Chief Starrett if he was present to speak on behalf of the City. Chief Starrett stated, yes, he was. Mr. Kimbrough swore in Chief Starrett.

Chief Starrett stated on November 22, 2010 the Austell Police Department conducted an Alcohol Underage Compliance check. Two persons under the age of nineteen entered Marathon located at 5184 Austell Road. The person behind the counter (Suleman Pirani) sold two drinks and when the Sherriff's Department came in he tried to get the drinks back. He was cited for 2 counts of selling to underage persons, and one count of not having a permit. Mr. Pirani went to court in February. He was found guilty of selling to underage 1 count, second count was merged with the first, nolle prossed the no permit. He paid a fine of \$414.00. Deputy Chief Poulk did notify the owner and requested he attend the Council Meeting. Mayor Jerkins asked when they were notified. Chief Starrett stated before pre-agenda which was a couple of weeks ago. Chief Starrett asked Mayor Jerkins if he would like to put it off till the next Council meeting and I will contact the person myself. Mayor Jerkins stated we have always had someone here and this is very unusual for no one to be present.

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Ms. Causey asked if the hearing is postponed can they continue to sell. Ms. Reagan stated, yes, they can. Mayor Jerkins stated you would have to suspend them to keep them from selling. Mr. Standard asked if they have to be at the Council meeting. Mayor Jerkins stated this is their first citation. Mayor Jerkins asked Chief Starrett when did the business open. Ms. Reagan stated May 5, 2009. Mr. Green stated, so, this is their first. Ms. Reagan stated, yes. Mayor Jerkins stated so they have been opened almost two years. Mayor Jerkins asked if anyone had any more questions. No one did.

*Mr. Thomas moved to follow the recommendation to close the Public Hearing. Seconded by Mr. Standard. Motion passed (6-0).*

*Ms. Reagan moved to follow the recommendation of the Police Committee to postpone the public hearing until May 2, 2011. Seconded by Mr. Thomas. Motion passed (6-0).*

Mayor Jerkins asked if anyone had any questions. Mr. Standard stated he had a question. This owner of the Marathon purchased the business in May 2009 and he hasn't had any violations. Ms. Reagan stated, no he hasn't. Mayor Jerkins stated this is their first time.

- 5 Year Pins to be given to: Greg Bowling  
Brandon Clark  
Joseph Jefferson

**10. FIRE DEPARTMENT  
SCOTT THOMAS, CHAIRPERSON  
Tim Williams, Fire Chief**

- Fire Report
- Unsafe Abatement Update

Mr. Thomas stated I will turn this over to Chief Williams. Chief Williams stated the only change we have had in the last month is the property located at 5706 Mulberry Street and property owner Mr. Mark Perry. Mr. Perry was cited and appeared in our city court on March 31, 2011. He was given thirty days to complete renovations to the front exterior of the structure.



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Failure to comply will result in jail time or a fine. Mayor Jerkins asked if anyone had any questions. No one did.

**11. PUBLIC WORKS DEPARTMENT  
MARTIN STANDARD, CHAIRPERSON  
Randy Bowens, Director**

A. Sale of Gravel to City Residents

Mr. Standard stated it is the recommendation of the Public Works Committee to offer gravel to City of Austell residents at the following fees:

Pick Up Truck	\$10.00 per load
One-Ton Truck	\$25.00 per load
Tandem Truck	\$50.00 per load

Attached is a draft Gravel Application to be completed by the customer.

Mr. Standard stated he would like to turn this over to Mr. Bowens and let him explain everything that is involved.

Mr. Bowens stated the application and the gravel came to our attention because some residents have gravel driveways but no means or finances to pave or asphalt their driveways. We are offering the gravel to the residents that have these driveways. In doing so, we will offer to the residents and load it for them. They will supervise the trucks themselves. Certain revisions came up that I had in regards to the trucks driving on the right of way onto private property. The criteria that we thought necessary on the application form is some of the those being the people who actually purchase the gravel have to be City of Austell residents and actually live in the City limits. The application form has all their information for purchase of the gravel and to be used for the driveway. We didn't see a need for an individual to come in to purchase a large amount of gravel to create a hardened surface in the back yard to build some structure on. Such as, tools, or a structure. This is primarily used for those people who do not have the resources to put in gravel. There are some long driveways here in the City and it is very costly for those people to pay them to put in concrete.

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If you notice on the application form the location is for the use of the gravel then we have a section for the amount and the truck size and then the staff has to initial this application. This application will be in duplicate. Once they apply for it they pay and they will be given a copy and a copy will be taken over to the supervisor at the gravel site and we have selected the hours and they are from 1:00 P.M. to 3:00 P.M. on Fridays. The person has to present that duplicate form in order to get loaded. We thought those hours would be perfect for the guys because they work from seven to four. We do not want to sell an application to someone at 2:45 P.M. at the Threadmill and they would be expect to get loaded at the gravel pit and we would have a long line there and end up paying overtime. There are some stipulations at the very bottom and they are the gravel regulations. The gravel is to be used for main driveways, and there must be an asphalt or concrete apron. Gravel will not be permitted to be installed to the edge of the road. This would be to prevent trip hazards and lack of wheelchair access, no gravel will be allowed on or near any sidewalk. It will be the property owners' responsibility to remove any loose gravel from any sidewalk or roadway. Gravel must be in a contained area. Gravel purchased through the City of Austell is to be used for personal use only and not for re-sale. We do not want people to come over and buy gravel at this reduced fee and take it somewhere and sell it. This is one of the stipulations and on the other side of that we have a Release and Hold Harmless Agreement which states the City is not responsible. We will have a component person there with a loader as he loads the trucks. In certain instances the City will not be liable if that truck is not heavy enough to accept the gravel. We will not be responsible for any damages done to the truck. Down at the very bottom you will see you must provide the yellow ticket to the loader operator in order to receive the gravel. Mr. Green stated one thing about it the apron must be an asphalt or concrete. It probably needs to be added that it is to the road and not around their driveway because it looks like it could be confusing. Mr. Bowens stated the apron is the only responsibility we are responsible for which is out at the right of way. Mr. Green stated that's what I mean when you say apron and it has to be asphalt or concrete they would think they have to pour asphalt or concrete around their driveway. Ms. Anderson stated no, if you read the second sentence after that it states gravel will not be permitted to be installed to the edge of the road and this does clarify it. Mr. Green stated and the next sentence states gravel must be in a contained area and now you are going back and saying it must be asphalt or concrete. Mr. Bowens stated a lot of people know the terminology of what apron means.

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*Mr. Standard moved to follow the recommendation of the Public Works Committee to offer gravel to City of Austell residents. Seconded by Ms. Anderson. Motion passed (6-0).*

Mr. Green asked what day will this start. Mr. Bowens stated it will start on June 1, 2011.

**B. Eastside Drive Sidewalk Improvements**

Mr. Standard stated two bids were received for the Eastside Drive Sidewalk Improvements project. This project will consist of the construction of approximately 1,680 linear feet (560 square feet) of sidewalk and handicap ramps from Veterans Memorial Highway to the dead end.

Following are bids that were received:

<b><u>BIDDER</u></b>	<b><u>BID AMOUNT</u></b>
Classic Curb, Inc.	\$14,200.00
Glenn Contractor's	\$16,800.00

Effective April 1, 2011, concrete prices will increase by \$15.00 per square foot. The Public Works Committee would like to ask for approval at the Pre-Agenda Meeting to proceed with this project to avoid the price increase.

*Mr. Standard moved to follow the recommendation of the Public Works Committee to approve the bid from Classic Curb, Inc. in the amount of \$14,200.00. Funding for this project would come from the fiscal year 2011 budget. SPLOST Fund (325). Account Number 54.1400 (DOT Projects). Seconded by Ms. Reagan. Motion passed (6-0).*

**12. PARKS DEPARTMENT**

**RANDY GREEN, CHAIRPERSON  
Jim Graham, Director**

**A. No Report**

Mr. Green stated he had no report but would like Mr. Graham to give us an update on the Park.

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Mr. Graham stated we hope in four more weeks we will be finished. We are only about a week away to turn it over to the Association. Two weeks away from the pavilion being finished. We still have a lot of little things to do. We are hoping for May 15, 2011 to have the Grand Opening. We will recognize Georgia Power, Channel 11 Alive, and Lowe's for their contributions. As long as the weather holds we will plan for that date. Mr. Standard asked if GSA had indicated their eagerness to accept it and do they have anything planned. Mr. Graham stated we have actually turned over Field Number 1 for practice. The ball field lighting is all but done. We have the score boards working and all the ball field lighting done. We still have a few more of little odds and ends to be done. Mr. Green stated he had spoken with GSA and if it had been January 1, they would have been tickled. Mr. Standard asked when they were going to get something going. Mr. Green stated right now they are working on other ball fields in Cobb County. Mr. Graham stated we are hoping to turn over two to three ball fields in two to three weeks. If it doesn't rain a whole lot we can get finished. We have a lot of mud to deal with and every time we have a dry time we have to go long hours to get everything done before the next rain. Mr. Standard asked we are still going to pave all that? Mr. Graham stated, yes, but that comes under SPLOST but we are going to re-surface the area. Mayor Jerkins stated the money doesn't start coming in until January 1, 2012. It will be so much that will come in each month. It may be a year and half or close to two years before we get it paved. Mr. Graham stated he knew that Steve Shields had made a visit. Mayor Jerkins stated yes, he did and I had lunch with it and then turned him over to Chief Williams. Mr. Shields does a real good job and he is a great guy to work with. He tells us what to do to be safe and he will come back with a letter telling us what we need to do. The last time he came he told us the tower needed to be taken down. So we did take the tower down and got that out of the way. Mr. Shields is basically our auditor and he audits the City and tells us what needs to be done for safety issues.

Mayor Jerkins stated on May 7, 2011 at 4:00 P.M. we have the Blue Grass in the Park Concert at Collar Park sponsored by Austell Business Association and the City of Austell.

### 13. COMMUNITY DEVELOPMENT DEPARTMENT

**TRUDIE CAUSEY, CHAIRPERSON**

**Jim Graham, Director**

- A. Rezoning and Special Land Use Permit request from 2989 Humphries Road., LLC to rezone the property located at 2989 Humphries Road from LI to HI.

Ms. Causey stated the Department of Community Affairs has received a request from 2989 Humphries Road, LLC to rezone property located at 2989 Humphries Hill Road, in LL 94, Parcels 2 and 4 of the 18<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County from LI to HI. 2989 Humphries Road, LLC has also made an application for a Special Land Use Permit at the above referenced property.

The rezoning with Special Land Use Permit will allow the applicant to operate a recycling facility at the above mentioned property.

The Planning and Zoning Commission voted unanimously (5-0) to recommend the Mayor and Council approve the application from 2989 Humphries Road, LLC on March 15, 2011.

Mr. Kimbrough, City Attorney stated at this time we will call for a public hearing for rezoning and Special Land Use Permit for property located at 2989 Humphries Road, LLC for property located there at 2989 Humphries Hill Road. Who is here to speak on behalf of the applicant?

Mr. Don Brooks stated his name and he was present to speak for the applicant. Mr. Graham will speak on behalf of the City. Mr. Kimbrough asked Mr. Graham if anyone signed up for opposition and if advertisements were placed. Mr. Graham stated no one had signed up for opposition and we did run the advertisements as required. Mr. Kimbrough stated to Attorney Don Brooks since he was an officer of the court he did not have to be sworn in.

Mr. Brooks stated he would like to make one correction the applicant will be at 2989 Humphries Road, LLC instead of Humphries Hill Road. I will be brief and certainly hope I can answer any questions you may have. The Planning and Zoning was thinking it was recycling glass bottles, aluminum cans, newspaper, magazines and plastic. It is not that it is more a commercial endeavor.

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There are two different types of recycling that will be done in that building one is called Regency Technologies and they recycle electronics and appliances. The electronics are computers, televisions, and those kinds of electronic devices. They bring them into this building and they test them and sometimes they can repair them and they are sold and remanufactured. If they not repairable they take them apart and identify the parts that are good. It is interesting to me that there are so many supply chains that feed out from this. There are people that buy these discreet parts that you and I might throw away because they are not working. So, they sell those parts and the parts that are broken they disassemble those and find the various things that are of value within that such as copper wire, stainless steel or whatever it may be. They end up finding a use for it for virtually everything that is there. Appliance recycling is similar like refrigerators, washers and dryers and that sort of thing if they can fix it they do. And, again, if not, they take it apart and part it out. Again, very little what I would call waste. Number two business is a related business which is a business recycling aluminum not aluminum cans but scrap aluminum. Case in point would be you have seen buildings that get demolished and the windows have aluminum frames and door frames. They take that aluminum and take out the insulation and take out the glass and they chop it and shred it and bale it up and sell downstream. They take the insulation and do the same thing. Part of this operation dealing with electronics is currently located in the leased facility at Boatrock Blvd., and will be relocated from there. The other operation is currently out-of-state and will be moving from that state. The employment will probably be sixty to seventy people. They anticipate some of the people at Boatrock Blvd., will relocate to here. Some from the other state not many, but some of them will. Anticipation of new jobs will be thirty to forty and could be higher. This is an overview and I would be happy to answer any questions you may have. As you know National Envelope went out-of-business and bankrupt last year and the new owners shut down that facility and has not been in operation since November or December 2010. It is owned by a ninety-eight year old gentleman who was the founder of National Envelope who lives on Long Island. This new company is buying it from a trust that he is a trustee of. Mr. Kimbrough asked if anyone had any questions of Mr. Brooks.

Mr. Standard stated he had a question. Can any individual drive up to this facility in a pickup truck or it is all wholesale. Mr. Brooks stated no, it is all commercial.

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Mr. Standard stated so, no one could go and steal a bunch of televisions and bring them there to sell. Mr. Brooks stated no, they could not because their sources, for instance, is Bestbuy and if you buy a television and it breaks under warranty and you take it back to Bestbuy and it would end up here. It is all commercial and the same with the aluminum recycling. Mr. Green asked if this was going to be outdoor storage of any kind.

Mr. Brooks stated it will be limited amount for storage. If you are familiar with the site, Humphries Hill Road, it is kind of high and the plant is sort of L shaped and beyond that they have an area if anyone would like to look at it. The storage would take place behind that L shape and the railroad spur. Mr. Green stated so, pretty much blocked off from the view. Mr. Brooks stated well, you really can't see it from Humphries Hill Road but you could see it on a train going past us. The nature of the storage would be palletized and bundled awaiting shipment. They do rail shipment and truck shipment. Mr. Thomas asked if there would be a retail outlet there. Mr. Brooks stated no retail it is all business to business. Ms. Anderson stated her biggest concern was the stormwater and run off. I see here it says there is no exposure to stormwater and recycling is a dry process. Are there any hazardous materials that will be leaving and it says you will monitor that and I just wonder for Chief Williams if that will add any extra cost to the city since it has to be monitored. Mr. Brooks stated I will answer the second question first about the monitoring of the ground water. We have drilled some test holes to see what the current condition is and that went to a laboratory and that all came back negative. No issues and no problems. We have left a monitoring well there and if the city wishes to test what is in the well at anytime please do so and anyone else for that matter.

The first question, there are some hazardous materials and your computer at home has some hazardous materials. These folks are under an organization that certifies this type of work and they operate under strict standards of how it is handled and how it is disposed of. It is certainly not put in the sewer system and is carefully monitored and taken care of. Mr. Green asked how about the refrigerators and the air conditioners. Mr. Brooks stated the same thing would be monitored and they would control all that. Mr. Standard asked do you know how much vehicle traffic this would create. Mr. Brooks stated they say five to ten trucks a day. Not extensive I don't think. As I mentioned it's on the railroad spur and a lot of their shipments will arrive by rail. Mr. Kimbrough asked if anyone had any more questions of Mr. Brooks. No one did.

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*Mr. Thomas moved to follow the recommendation to close the Public Hearing. Seconded by Mr. Green. Motion passed (6-0).*

*Ms. Causey moved to follow the recommendation of the Planning and Zoning Commission to approve the applications from 2989 Humphries Road., LLC for rezoning property located at 2989 Humphries Road., LLC and the Special Land Use Permit. Seconded by Mr. Thomas. Motion passed (6-0)*

**B. Rezoning request from Clay Anderson to rezone the property located at 2800 Humphries Hill Road from LI to GC.**

Ms. Causey stated the Department of Community Affairs has received a request from Clay Anderson to rezone property located at 2800 Humphries Hill Road., in LL 25, parcel 51 of the 18<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County from LI to GC.

The above mentioned property is currently being used as retail. The rezoning will allow the continued use of the property while creating a buffer between the Light Industrial, located adjacent to the property, and the Central Business District.

The Planning and Zoning Commission voted unanimously (5-0) to recommend the Mayor and Council approve the applications from Clay Anderson on March 15, 2100.

Mr. Kimbrough stated at this time I would like to call a Public Hearing for the rezoning request from Clay Anderson to rezone the property located at 2800 Humphries Hill Road from LI to GC. Mr. Kimbrough asked who was present to represent Mr. Anderson. Mr. Clay Anderson stated his name and stated he was the applicant. Mr. Kimbrough asked Mr. Graham if anyone signed up for opposition. Mr. Graham stated no one signed up for opposition. Mr. Kimbrough swore in Mr. Anderson and Mr. Graham.

Mr. Anderson stated he would like to thank each of you for making it such a wonderful place to do business in Austell. It has been wonderful for a lot of years. We hope to be around for a few more. The economy is working on us but we are still trying. I think we are doing this to try and upgrade our place a little bit for the City of Austell. It is certainly fine with me as I have no objective to change it other than to comply with what the city would like us to do.



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Mr. Kimbrough asked if anyone had any questions of Mr. Anderson. No one had any questions.

*Mr. Thomas moved to follow the recommendation to close the Public Hearing. Seconded by Ms. Reagan. Motion passed (5-1- Randy Green Abstained).*

*Ms. Causey moved to follow the recommendation of the Community Development Committee to approve the request from Clay Anderson to rezone property located at 2800 Humphries Hill Road, in LL 25, parcel 51 of the 18<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County from LI to GC. Seconded by Mr. Thomas. Motion passed (5-1 Abstained).*

**C. Austell Community Market**

Ms. Causey stated the Community Affairs Committee recommends approval of a quarterly community market. The proposed date for the first market is June 18, 2011 with a rain date on June 25, 2011. The location is still to be determined.

The Community Affairs Department will organize the event and invite the downtown merchants to participate with a corresponding sidewalk sale.

Our goal is to fund Austell Downtown beautification projects. We think an event such as this will build a stronger relationship between the residents, downtown merchants and the City of Austell. The City will charge vendors a \$10.00 fee to offset the minimal cost of the event.

Ms. Anderson stated she had a question on the quarterly events do you have any other events? Ms. Causey stated, no as of right now we do not. Mayor Jerkins asked where the location would be. Mr. Graham stated what we have talked about that the City does lease is at the Park "N" Ride and the other is to ask Mr. Collins about something down there but right now it is Park "N" Ride so we can control that. We will see how it goes over and if it is a big hit then we will do it there and we felt like it would help the community.

*Ms. Causey moved to follow the recommendation of the Community Affairs Committee to approve the Austell Community Market. Seconded by Mr. Thomas. Motion passed (6-0).*

**14. CITY ATTORNEY – DUPREE & KIMBROUGH**

A. Review of Social Host Ordinance – (Information Only)

Mr. Kimbrough stated he submitted a draft of the Social Host Ordinance and this was actually adopted several months ago and this is the final draft of it. If you would please review it and please notify me if you find any typos or suggested changes to it in the next week or so and then we can get it signed.

**15. MAYOR'S REPORT**

A. CMA MEETING

NO MEETING

B. Cobb Alcohol Task Force Proclamation

Mayor Jerkins asked if anyone was present to pick up the Cobb Alcohol Task Force Proclamation. No one was present. Mayor Jerkins stated we need a motion to approve the Cobb Alcohol Task Force Proclamation.

*Mr. Green moved to follow the recommendation of Mayor Jerkins to approve the Cobb Alcohol Task Force Proclamation. Seconded by Ms. Reagan. Motion passed (6-0).*

Mayor Jerkins stated Cobb County did approve to give us the old Senior Citizens Building for \$10.00.

**16. ADJOURN**

*Mr. Thomas moved to adjourn the meeting. Seconded by Mr. Green. Motion passed (6-0).*