

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, SEPTEMBER 11, 2006**

Present: Joe Jerkins, Mayor  
Kirsten Anderson  
Beverly James Boyd  
Randy Green  
Virginia Reagan  
Scott Thomas  
David "Bo" Traylor

The regular meeting of the Mayor and Austell City Council was held on September 11, 2006, at 7:00 P.M. at City Hall.

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

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order. Pastor Shattles of Friendship Baptist Church gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any member of the City Council would like to add items to the agenda. No items were added.

**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 \$1,377.80
- C. Approve Minutes of Regular Meeting August 7, 2006
- D. Approve Minutes of the Special Called Meeting Millage Rate

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

**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Terry Owens stated she has lived on Vanessa Circle for thirty plus years. First of all, I would like to thank Mr. Thomas and Chief Starrett for coming out and listening to our concerns about our neighborhood.

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We have questions about the City Ordinances. We need to get more clarification on the City Ordinances and what they mean. The City Website states there are ordinances that pertain to health and safety and property. We have a concern about overgrowth. They have cut the grass but the weeds are high as the house and you can't see the house for the weeds. Is this considered unkempt property? Ms. Boyd stated this would be considered as unkempt property. Mayor Jerkins stated it's hard to determine how high the hedges can be and it is not in our ordinances as such and some of this is questionable. Ms. Owens asked about junk vehicles. Mayor Jerkins stated they are supposed to have tags and the vehicle should be operational. Mayor Jerkins also stated we can't go into anyone's backyard and check this. Ms. Owens stated these are in the front yard and have been there for years. Mayor Jerkins stated we can do something about that. Ms. Owens stated another major concern, residents using carports for storage. Residents are using tarps to cover the carport and Code Enforcement stated it was considered an enclosure which makes the houses look junky and ratty and the ordinance doesn't specify it should be wood or constructed. Mr. Kimbrough stated he would think the enclosure would have to be a permanent fixture and not a tarp. I don't know the wording of the ordinance right now but this should not fall under enclosure as we know it. Chief Starrett stated Jim Graham had researched this and defined it as enclosure. Chief Starrett stated he had spoken to Judge Nix and Judge Nix stated a tarp can be an enclosure because we had not specified. Chief Starrett stated he did not agree that we have this under our current code. Mr. Kimbrough stated he respectfully disagreed with Judge Nix because an enclosure doesn't necessarily mean a tarp which can blow in the wind and you can see inside. We can certainly take a look at the ordinance and change the wording and amend this so it can do what it is supposed to do to preserve the health and safety as well the value of the properties for the citizens of Austell. Those types of things, whether it be just unkempt property out in the middle of the front yard or whether it is something on these lines, a tarp on a carport, all those things go toward helping to protect the interest whether it be on safety or financial for the citizens of Austell. Ms. Owens stated she would appreciate anything Mayor and Council could do as she has lived there thirty years and when she was a little girl the neighborhood was clean and now, past our house, it is looking very trashy and slummy with drug dealers. I told Chief Starrett if it looks like this, it means drug dealers are coming here. I have children now and I do not feel safe now. Because of the way the neighborhood looks, if you get an appraisal on your home, you will certainly not get the value of your home because of the neighborhood.

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Chief Starrett told me on the Code Enforcement Report there were fourteen complaints between July 17, 2006, and August 9, 2006, just for our neighborhood and that is a lot. Mayor Jerkins stated we need to change the ordinance to read differently about the enclosure. Ms. Owens thanked the Mayor and Council.

Mr. Givens stated he would like for someone to explain to him about speaking on the zoning and annexation issues. Mayor Jerkins stated to Mr. Givens he would have to sign up to speak in opposition on any zoning issues. You would need to contact the Community Development Department to do this and it is also advertised in the Marietta Daily Journal prior to the meeting.

**6. GAS SYSTEM REPRESENTATIVE  
JOE JERKINS**

Mayor Jerkins stated it was a regular meeting and the gas rates are not high at this time.

**7. FINANCE DEPARTMENT  
BEVERLY JAMES BOYD, CHAIRPERSON  
Denise Sosebee, Finance Director**

A. Financial Report

**8. GENERAL ADMINISTRATION  
KIRSTEN ANDERSON, CHAIRPERSON  
Carolyn Duncan, Director**

A. No Report

**9. POLICE DEPARTMENT  
VIRGINIA REAGAN, CHAIRPERSON  
Bob Starrett, Police Chief**

A. Police Report

B. Code Enforcement Report

C. Cross Roads Wrecker – Privilege License Request

*Ms. Reagan moved to follow the recommendation of the Police Committee to table this item until the October 2, 2006, meeting. Seconded by Mr.*

*Thomas. Motion passed (6-0).*

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

A. Fire Report

Chief Williams stated he would like to report on the MDA Boot Drive which was very successful. We raised (\$6,812.00) six thousand, eight hundred and twelve dollars.

**11. PUBLIC WORKS DEPARTMENT  
DAVID "BO" TRAYLOR, CHAIRPERSON  
Randy Bowens, Director**

A. Sanitary Sewer Development Fee Increase

Mr. Traylor stated the Public Works Department has conducted a survey with the other cities and county and we have found we are in compliance with the current fee structure.

*Mr. Traylor moved to follow the recommendation of the Public Works Committee to withdraw the fee increase for Sanitary Sewer Development. Seconded by Ms. Reagan. Motion passed (6-0).*

B. Stormwater Newsletter

Mr. Traylor stated as part of the City of Austell Stormwater Management public education program, we are required to produce and provide education materials for the general public. As part of the program, staff will be publishing a quarterly stormwater-related newsletter that will be included in water bills at the time of publication. The first edition to be published is attached.

Additionally, the Public Works Committee recommends the approval and adoption of the logo presented on the attached page. This will be used on the City website, stationary, publications, etc.

Ms. Boyd questioned the use of the City of Austell logo on the newsletter. Mayor Jerkins asked Ms. Boyd if she agreed with the logo on this newsletter and she stated, yes.

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*Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Stormwater Newsletter. Seconded by Ms. Reagan. Motion passed (6-0).*

**12. PARKS DEPARTMENT  
RANDY GREEN, CHAIRPERSON  
Jim Graham, Director**

- A. No Report

**13. COMMUNITY DEVELOPMENT  
BEVERLY JAMES BOYD, CHAIRPERSON  
Jim Graham, Director**

- A. Request for Annexation and Rezoning

Ms. Boyd stated the Community Affairs Department has received a request from Kevin Jordan to annex into the City and rezone 14.7 acres located east of Austell Road on the south side of Veterans Memorial Highway, from R-20 to PUD. The property is in LL 1303/1304 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section in Cobb County and will be used to develop a subdivision.

Ms. Boyd stated at this time she would like to turn the public hearing over to Mr. Kimbrough, City Attorney. Mr. Kimbrough stated he would like to open the public hearing and asked who was present to speak on behalf of Kevin S. Jordan, Inc., Developer.

Mr. Kevin Jordan introduced himself and stated he was present to represent the request for annexation and rezoning for Kevin S. Jordan, Inc. and Ingleson Builders, Inc. Mr. Jordan stated he now lived in Smyrna but had grown up in the Mableton area. Mr. Jordan stated the property in question is located on Veterans Memorial Highway in LL 1303 and 1304 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section. We are asking to build thirty-three homes in this subdivision. Ten acres of this land will remain private. We will require a mandatory Homeowner's Association with rules and regulations for the subdivision. Another good thing, all will be landscaped and this will beautify the area. The City has said they would like to have the power to implement the building stipulations which we are fine with.

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We feel this subdivision will add quality and beauty to the City of Austell. We will consent to all stipulations and regulations the City may enforce. We are planning to build ranch homes, some with basements and some without. Each home will have a two car garage, each home will have a doublewide driveway and each home will be sod. The entrance will be well lighted and very decorative. Setbacks will be twenty foot (20 ft.) on the front. This is thirty foot (30ft.) off the curb which is a good distance back from the street. These are nice size lots. The rear setbacks will be twenty feet (20 ft.). All utilities will be underground. All setbacks will be maintained and set to the highest standards. We have agreed to the letter dated August 27, 2006. Thank you for hearing me and I think this will be a win-win situation for all.

Ms. Boyd asked if Mr. Jordan had reviewed the analysis. Mr. Jordan stated, yes. Ms. Boyd stated she would like for the analysis to be part of the minutes. Mr. Jordan agreed. Ms. Boyd stated for every tree that is cut it needs to be replaced with more trees. Mr. Jordan agreed to the tree save policy.

Mr. Kimbrough asked if anyone had any questions and asked if anyone had signed up to speak in opposition of the rezoning. No one had signed up to speak. Mr. Kimbrough closed the public hearing.

Ms. Boyd stated she and the Community Development staff had worked closely with Mr. Jordan to make sure he understood what the City of Austell's requirements and stipulations are for Annexation and Rezoning. Ms. Boyd stated she thought it would be certainly beneficial for the City to work with Mr. Jordan in every way. Ms. Boyd stated she would read the Analysis (please see attached) and requested it to be made part of the minutes. Ms. Boyd asked if anyone had any questions. Mr. Traylor had a question about Buttermilk Creek and making sure the emergency services could get into the streets. Ms. Boyd stated the City was very strict with the width of the streets and they would make sure the streets were wide enough for emergency services to access.

Mr. Kimbrough asked if anyone had any questions or would like to speak. No one spoke. Mr. Kimbrough stated he would close the public hearing at this time for the request for Rezoning and Annexation for Kevin Jordan, Inc. and Ingleson Builders, Inc.

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*Ms. Boyd moved to follow the recommendation of the Community Affairs Committee to approve the rezoning request from Kevin Jordan to rezone into the City and rezone 14.7 acres located east of Austell Road on the south side of Veterans Memorial Highway, from R-20 to PUD. The property is in LL 1303/1304 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section in Cobb County and will be used to develop a subdivision. Seconded by Mr. Thomas. Motion passed (5-1). Mr. Traylor voted against.*

*Ms. Boyd moved to follow the recommendation of the Community Affairs Committee to approve the annexation request from Kevin Jordan to rezone into the City and rezone and annex 14.7 acres located east of Austell Road on the south side of Veterans Memorial Highway, from R-20 to PUD. The property is in LL 1303/1304 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section in Cobb County and will be used to develop a subdivision. Seconded by Mr. Green. Motion passed (6-0).*

**B. Proposed Fencing at Clarkdale Park**

Ms. Boyd stated the Community Affairs Department proposes the installation of fencing on property at Clarkdale Park owned by the City. The fence is necessary to prevent any further dumping of trash and debris as is presently being done. It will also benefit the Fire Department's proposed new training facility that will be built on this property.

There will be one gate entering from Mathis Drive and a second one from the Threadmill Complex parking lot side. From this point the City will do a curb cut and pour a concrete drive to connect with the existing asphalt.

Fence bids are as follows:

Fox Fence Company	\$13,689.00
Allied Fence	\$13,000.00
Mauldin and Cook	\$15,406.00

We chose Allied Fence.

Total project expenses are as follows:

Fences	\$13,000.00
Curb Cut & Concrete	\$ 3,000.00
Tate Engineering	<u>\$ 1,500.00</u>
Total	\$17,500.00

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Funds for this project will be transferred from contingency to the Threadmill Budget 311/1565 under site improvements.

*Ms. Boyd moved to follow the recommendation of the Community Affairs Department to approve the proposed fencing at Clarkdale Park. Seconded by Ms. Reagan. Motion passed (6-0).*

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

**A. Ordinance for Adopting the Austell Gas System Revenue Bonds – Series 2006.**

Mayor Jerkins stated he would like to turn this over to Mr. Kimbrough for the second reading for the gas bond ordinance. Mr. Kimbrough stated at this time we will have the second reading of the Austell Gas System Bond Ordinance- Series 2006. Mr. Kimbrough read the Ordinance for Adopting the Austell Gas System Revenue Bonds - Series 2006. Mr. Kimbrough stated he would open the public hearing for the Austell Gas System Revenue Bonds –Series 2006. Mr. Kimbrough stated, present were Mr. Rob Register with the Austell Gas System and Bill Holby of King & Spalding, the bond counsel for the Austell Gas System Revenue Bonds – Series 2006. Mr. Kimbrough asked if anyone would like to ask any questions. Mr. Givens of the audience stated he did not know enough about the ordinance to ask any questions. Mayor Jerkins stated he would like to explain the Ordinance. Mayor Jerkins stated the six million (\$6,000,000.00) dollar bond was to expand the gas system and put in new lines and replace old meters. All of these years we have done bonds in the past and some of them have been paid off. The City of Austell owns the Austell Natural Gas System and they have about fifty-five thousand customers. We approve the bonds when they need money and this is basically what the Ordinance means.

*Ms. Boyd moved to follow the recommendation to close the public hearing. Seconded by Mr. Thomas. Motion passed (6-0).*

*Ms. Boyd moved to follow the recommendation of the 2006 Revenue Bonds up to six million (\$6,000,000.00) dollars. Seconded by Ms. Reagan. Motion passed (6-0).*



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**15. MAYOR'S REPORT**

**A. CMA MEETING**

**DATE:** September 12, 2006  
**TIME:** Dinner @ 6:30 P.M.  
**LOCATION:** Marietta

**B. Reappointment of Gas Board Members**

Mayor Jerkins stated and recommended the reappointment of the Gas Board Members Ann Collins and Jim Cole.

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve reappointment for Ann Collins and James Cole. Seconded by Mr. Thomas. Motion passed (6-0).*

**C. Appointment of Finance Director – Denise Sosebee**

Mayor Jerkins recommended and introduced Ms. Sosebee as the Finance Director and welcomed her to the City of Austell. Mayor Jerkins asked the City Council if anyone had any questions. No one had any questions.

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve Ms. Denise Sosebee as the new Finance Director. Seconded by Mr. Green. Motion passed (6-0).*

**16. ADJOURN**

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to adjourn. Seconded by Ms. Reagan. Motion passed (6-0).*