

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
CITY HALL BUILDING  
MONDAY, DECEMBER 6, 2021**

Present:

Mayor Ollie Clemons  
Valerie Anderson  
Melanie Elder  
Devon Myrick  
Sandra Leverette  
Marlin Lamar  
Randy Green

Absent: Brandon Merritt & Natalie Poulk

Also, present: Scott Kimbrough, Attorney, Denise Lowe, Finance Director; Bo Garrison, Public Works Director; Ken Strong, Assistant Fire Chief; Randy Henson, Deputy Police Chief (A), Darrell Weaver, Community Affairs Director and Elizabeth Young, City Clerk

**1. CALL TO ORDER**

Mayor Clemons called the meeting to order, gave the invocation & led the Pledge of Allegiance. Mayor Clemons asked if anyone had items to add to the agenda. No items were added.

Mayor Clemons presented Councilman Randy Green with a 20-year retirement plaque & pin & congratulated him on his upcoming retirement.

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

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

**2. CONSENT AGENDA**

- A. Approve Bills
- B. Approve Legal Bills - \$1,455.00
- C. Approve Minutes of Regular Council Meeting November 1, 2021

*Mrs. Anderson moved to follow the recommendation of Mayor Clemons to approve the Consent Agenda. Seconded by Mrs. Leverette. Motion passed. (6-0)*

**4. EXCEPTION TO CONSENT AGENDA**

## 5. CITIZENS REPORT

Mrs. Ann Turner asked when the city will open our council meetings to the public. Mayor Clemons stated that we are still taking precautions due to Covid.

Ms. Barbara Sexton sent an email regarding several issues:

1. Freight Trucks in residential areas. I know there are signs telling the truck drivers where they can't go. However, those signs do not stop them from coming down Joe Jerkins Blvd at all hours of the night and day. This road is too narrow and residential, with a child's park at the stop sign where most of these trucks are going too fast to slow down, much less stop, for the stop sign. I have witnessed multiple occasions of these trucks taking out the fence of the house on the corner, driving so far off the road that their tires cross the sidewalk and into our yards leaving ruts and dead grass. They SHOULD NOT be allowed to use Joe Jerkins to get to the paper plant. There are other ways that are much safer for the community.

Mayor Clemons responded that this has been an established route for trucks coming from the Box Board for several years. It is a narrow road & difficult for trucks to navigate. The city has attempted to alleviate this problem in the past, there was a plan to build an overpass over the railroad near the Box Board, I believe land was purchased in the area for the project, but it never came to fruition. It is something that needs to be looked in to.

2. Speeding on Joe Jerkins: In the morning hours and usually beginning after 6 PM, there is A LOT of traffic on Joe Jerkins. The stop sign at the intersection Joe Jerkins and Landers seems invisible to a lot of them. There is a park in that corner as well, George E Beavers Park, and I have concerns for the kids in the neighborhood trying to cross the street at the stop sign to visit the park. It would be fantastic if we could have a little more police presence in that area to pull over these people not obeying the speed limit and putting our kids and grandkids at risk.

Mayor Clemons stated that we have placed the area on zone patrol and have written seven stop sign citations so far this month.

3. Development at Lindley Field: Why are there mountains of dirt piled at Lindley? Seems like we are just setting up the surrounding neighborhoods for another flood catastrophe if we get another heavy rain.

The City Clerk, Elizabeth Young, stated that she confirmed with Ms. Sexton that she was referring to Legion Field instead of Lindley Field. Mayor Clemons stated there are 6 or 7 piles of dirt at Legion Field next to Sweetwater Creek. Mayor Clemons asked Mr. Weaver to confirm why they were there. Mr. Weaver stated the dirt was being used to back fill where unstable block was removed.

4. Is there going to be anything done about the trucks trying to cross the railroad tracks and holding up traffic multiple times every week? There are signs posted, but I don't think the fines are being implemented against these drivers. If they were, they would pass the word and it would get better - not worse.

Mayor Clemons stated that signs are posted near the Spring Street crossing warning trucks not to cross, however nearly every driver tells us they were only following their GPS. Drivers that have gotten stuck on the tracks do not repeat the act. The Norfolk Southern Railway police are routinely notified & has jurisdiction of the crossings, however they generally let us handle it. The first offense fine for failure to obey traffic control device is \$140.00.

## **6. GAS SYSTEM REPRESENTATIVE**

### **OLLIE CLEMONS, MAYOR**

Mr. Kimbrough stated that November has been a very good month & the gas company is in a very good financial position right now.

## **7. FINANCE DEPARTMENT**

### **VALERIE ANDERSON, CHAIRPERSON**

#### **Denise Lowe, Finance Director**

A. Financial Report

## **8. GENERAL ADMINISTRATION**

### **MELANIE ELDER, CHAIRPERSON**

#### **Elizabeth Young, Director**

A. 2022 Calendar & Directory

Please review the 2022 Calendar & Directory. If there are any changes, please contact Elizabeth Young, City Clerk.

*Ms. Elder moved to follow the recommendation of Mayor Clemons to approve the 2022 Calendar & Directory. Seconded by Mr. Myrick. Motion passed. (6-0)*

## **9. POLICE DEPARTMENT**

### **RANDY GREEN, CHAIRPERSON**

#### **Natalie Poulk, Police Chief (A)**

A. Police Report

## **10. FIRE DEPARTMENT**

### **MARLIN LAMAR, CHAIRPERSON**

#### **Brandon Merritt, Fire Chief**

A. Fire Report

## **11. PUBLIC WORKS DEPARTMENT**

**SANDRA LEVERETTE, CHAIRPERSON**  
**Bo Garrison, Director**

A. No Report

**12. PARKS DEPARTMENT**

**DEVON MYRICK, CHAIRPERSON**  
**Darrell Weaver, Director**

A. Veteran's Day Ceremony (Informational Only)

On November 11, 2021, the Parks & Recreation Department set up for the City's Veterans Day Ceremony. Guest speakers who were in attendance included Randy Goodman Post Department Commander, Georgia, American Legion Ret. Master Sergeant, United States Air Force; Principal T.J. Perry from South Cobb High School; and Jerry L. Smith with the American Legion Post 216. Colors were presented by South Cobb High School JROTC and South Cobb Band. The Mayor and the City was also recognized by the American Legion in appreciation of support received for both the Post and the Veterans of the community.

B. New Downtown Light Post Banners (Informational Only)

As the City is continuing efforts to re-brand itself and update promotional media, the identifying banners on the downtown light posts were in need of a refresh as well. The Parks Department removed the deteriorating "train" banners and replaced them with newer updated banners. The new banners incorporate the "Austell" cursive name as well as include fall leaves and a winter element so they can be displayed during the seasonal period.

C. Turkey pick-up/deliveries (Informational Only)

Parks department picked up two hundred turkeys from Sweetwater Mission and collaborated with other city departments and officials to deliver them to individuals in need at local schools such as Hendricks Elementary, Austell Elementary, Garrett Middle, and South Cobb High. Turkeys were also delivered to the residents in need within the community.

D. Holiday Decorations Downtown (Informational Only)

The Parks Department has started the city's transformation into the holiday spirit as decorations are being installed throughout downtown. Icicle lights were hung on downtown businesses as well as lighted enhancements on light poles and ground gateway locations. The large downtown tree has also been assembled near the Post Office.

**13. COMMUNITY AFFAIRS**

**VALERIE ANDERSON, CHAIRPERSON**

## **Darrell Weaver, Director**

- A. Code Enforcement Report
- B. P & Z Old Westside Road Rezoning

Staff received a rezoning request from Epic Homes, LLC to rezone 29.89 acres from RR and LI to PUD for the purpose of a residential subdivision. This item was tabled at last month's agenda; however, the applicant has moved forward with their request. A full staff report and supporting documents are attached.

Mrs. Anderson turned it over to our city attorney, Scott Kimbrough, for a public hearing. Mr. Kimbrough swore in Mr. Joey Hipps, Mrs. Ann Turner, & Ms. Lora Pace. Mr. Hipps explained what type of homes would be built in the development. Mrs. Turner spoke in opposition to the rezoning. Ms. Pace spoke in favor of the rezoning.

*Mrs. Anderson moved to follow the recommendation of Mr. Kimbrough to close the public hearing. Seconded by Mr. Lamar. Motion passed. (6-0)*

Mrs. Anderson stated that she does not like the idea of having these homes, I feel like it's too dense, & I don't like how close & tall they are. I would recommend ranch style homes, but there is no one here in opposition other than Mrs. Ann, so I don't feel that they have a concern or mind you building the homes over there.

*Mrs. Anderson moved to follow the recommendation of Mayor Clemons to approve the Old Westside Road Rezoning. Seconded by Mr. Myrick. Motion passed. (4-2)*

- C. P & Z 5640 Westside Road Annexation

Staff has received an annexation & rezoning request from Venture Homes for 23.84 acres from R-30 in Cobb County to PUD for the purpose of a residential subdivision.

*Mrs. Anderson made a motion to table this item. Seconded by Mrs. Leverette. Motion passed. (6-0)*

- D. Solicitation Ordinance

As you may recall, staff has been working towards an update to the City's solicitation ordinance requirements applying to parties wishing to solicit goods & services door to door within the city limits. After research & consultation with the city's attorney, staff is ready to present an amended ordinance for consideration & approval. The city's attorney is working with staff to assign appropriate formatting of the code numbering associated with the text provided.

*Mrs. Anderson moved to follow the recommendation of Mayor Clemons to approve the Solicitation Ordinance. Seconded by Mrs. Leverette. Motion passed. (6-0)*

- E. Permitted Use Amendment for Microbrewery/Brew Pubs

In response to recent market demands, staff is recommending amending the permitted uses within the Central Business District to allow for microbreweries and brew pubs. Staff recommends the following:

Article IV – District Regulations

Sec. 48-156 – CBD Central Business District

Amend Sec. (2) *Permitted uses* to include:

*Brewpub* means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises.

As used herein, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. Neither barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to O.C.G.A. § 3-5-36(2)(D), or retail sales by the package or growler, shall be used when determining the total annual gross food and beverage sales. A Brewpub licensed as a brewer or manufacturer of beer in accordance with Chapter 4 of the City of Austell code of Ordinances may secure an additional and separate license for the retail sale of beer for off premises consumption, so long as the malt beverages that are sold by the package by a brewpub must be manufactured onsite.

*Microbrewery* means an establishment in which not more than 10,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-5-1.

*Mrs. Anderson moved to follow the recommendation of Mayor Clemons to approve the Permitted Use Amendment for Microbrewery/Brew Pubs. Seconded by Mr. Myrick. Motion passed. (6-0)*

- F. Atlanta Regional Commission Presentation for the 2022 Update to the City's Comprehensive Plan (Information only)  
Staff is coordinating with the Atlanta Regional Commission (ARC) to prepare the City's 2022 update to the Comprehensive Plan. A representative from the ARC will make a short presentation laying out the process and answer any questions.

## **14. ATTORNEY, DUPREE & KIMBROUGH**

- A. No Report

**15. MAYOR'S REPORT**

A. No Report

**16. ADJOURN**

*Mr. Green moved to follow the recommendation of Mayor Clemons to adjourn the meeting. Seconded by Mr. Myrick. Motion passed. (6-0)*

Ollie Clemons Jr.  
Mayor

Elizabeth Young  
Attest

1.6.2022  
Date