

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, NOVEMBER 6, 2017**

Present: Mayor Joe Jerkins
Valerie Anderson
Ollie Clemons
Randy Green
Sandra Leverette
Scott Thomas

Absent: Kirsten Anderson

Also present were: Scott Kimbrough, City Attorney; Sandy Farmer, City Clerk; Randy Bowens, Public Works Director; Jim Graham, Community Development Director; Pat Maxwell, Fire Chief; Denise Soesbee, Finance Director; and Bob Starrett, Police Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order and Pastor Tim Ridgeway, Austell First Baptist Church gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins asked if anyone had any items to add to the Agenda. Mr. Bowens stated he would like to add 11C. – Speed Bumps on Franklin & Bowden Streets.

Ms. Valerie Anderson moved to follow the recommendation to add Item C. – Speed Bumps on Franklin & Bowden Streets. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

Mayor Jerkins stated he had two very important people to recognize tonight. Please come forward Sergeant Robert Sfredo. Mayor Jerkins stated Sergeant Sfredo has been with the City of Austell for thirty (30) years and he has worked very hard during those years. Whenever we asked him to do something he does it without question and he is always available. He has been a loyal employee and we really appreciate everything you have done for the City of Austell. Mayor Pro Tem Ollie Clemons presented Sergeant Sfredo with a Plaque and a Pin and thanked him for his service.

Mayor Jerkins thanked Ryan Holder, 911 Communications. Mayor Jerkins stated he had been with the City of Austell for five (5) years. Mayor Jerkins thanked Mr. Holder and how much he appreciated his loyalty and his service to the City of Austell. Mayor Pro Tem gave Mr. Holder his 5 year Pin and thanked him for his service.

2. CONSENT AGENDA – INFORMATION AND UPDATE

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

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$2,785.00
- C. Approve Minutes of Regular Council Meeting October 2, 2017

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Mr. Ollie Clemons moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Monica Delancy stated her name and stated first of all I would like to recognize the achievements of the area schools. Pebblebrook High School Varsity Football Team will be in their first round of play offs this Friday night at Pebblebrook High School so please come out and support them. Also, the Marching Band recently placed overall first in the nation for the music. We congratulate and support this school for their accomplishments. Also, the Austell Elementary school just released the State CCR scores released and they had a twenty point increase. They are the highest in this area. Being able to raise their score from a fifty-six to a seventy-six is very significant. Be sure and send a congratulations to the Principal at Austell Elementary School. Once again, I would like to talk about the housing situation in the metro area. Just last week on CBS 46 it was just released that Atlanta is third in the nation for evictions. The people who are effected the most are African Americans for evictions. Women and single parent households and also communities where the level of education is high-school level are below. Studies have been done to afford a two bedroom apartment one has to make twenty dollars an hour. If you take stock of the different job opportunities here in Cobb County such as Six Flags, and the schools which some are low level positions and also at Wellstar and they are not paying twenty dollars an hour. We have to take note of this. In addition to local government rental control and code enforcement because some of these properties are in disarray and the owners who own the apartments are not keeping their properties up. What happens is the renters are evicted because of this. If new people come in it is the same issue, mold, ceilings and they don't care because they just keep on getting their rent. It has been known in some of those communities they have made more of a profit and in other communities it is just more rent and not keeping those properties up. Lastly, on a Federal level petition for a subsidy to help cover some of the rent and move to higher opportunities. To move to an apartment with more amenities or able to rent a house. Families thrive when they are in stable housing. In closing, I am working on Neighborhood Summit which will be December 10, 2017 and hopefully some of you will come out. Thank you.

Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council. Pastor John Bailey stated he would like to thank everyone during the Fall Festival at the Park. It was a great success and I would like to say thank you to Mr. Jim Graham, Pat Maxwell, Fire Chief and the Police Chief, Bob Starrett for all their help.

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On that night we had some three thousand people in the park. It was significantly more than last year. Everything was free. We donated more than a thousand pounds of candy that night to the children. It was a safe environment and I think everyone left happy. So, we just wanted to say thank you on behalf of the church and the community to allow us to do this once again. We appreciate your support. Mr. Scott Thomas stated he would like to say and congratulate the cleanup job you did. Everything was in order and all the children had a great time. We appreciate the cleanup you did.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins stated the Gas Company sold a little bit more gas at this point than last year. We haven't had a cold winter in two to three years. Still not selling a lot of gas.

7. FINANCE REPORT

OLLIE CLEMONS, CHAIRPERSON

Denise Soesbee, Director

A. Financial Report

8. GENERAL ADMINISTRATION

SANDRA LEVERETTE, CHAIRPERSON

Sandy Farmer, City Clerk

A. City Clerk Position – Karen Fricke

Ms. Sandra Leverette stated it is the recommendation of the General Administration Department to approve the hiring of the new City Clerk, Karen Fricke.

Mayor Pro Tem Ollie Clemons, Sandy Farmer and I have gone through the process of internal and external procedures to find another City Clerk since Sandy Farmer will be retiring on December 31, 2017. We have advertised the position and interviewed the candidates and selected Karen Fricke. She is very qualified and has previous experience as a City Clerk as well as extensive Court experience. Ms. Fricke also has a Bachelor of Science, Political Science Degree from Kennesaw State University. We have also discussed this with Mayor Jerkins. With the Mayor and Council's approval Sandy would like to start the process of training Ms. Fricke on November 1, 2017 and make this a smooth transition in the General Administration Department.

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Mayor and Council will vote for Ms. Fricke as the new City Clerk on November 6, 2017 and she will start her position on January 1, 2018 with your approval.

Ms. Sandra Leverette moved to follow the approval of the General Administration Department to approve the hiring and training of Karen Fricke as the new City Clerk. Seconded by Mr. Scott Thomas. Motion passed (5-0).

**9. POLICE DEPARTMENT
OLLIE CLEMONS, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report

**10. FIRE DEPARTMENT
RANDY GREEN, CHAIRPERSON
Pat Maxwell, Fire Chief**

- A. Fire Report

**11. PUBLIC WORKS DEPARTMENT
KIRSTEN ANDERSON, CHAIRPERSON
Randy Bowens, Director**

1. Recommendation and Approval:

- A. Metropolitan North Georgia Water Planning District Requirements

- a. Green Infrastructure / Low Impact Development
b. Stormwater Inventory Update

Mr. Ollie Clemons moved to follow the recommendation of Mayor Jerkins to approve the Metropolitan North Georgia Water Planning District Requirements. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

- B. Rosehill Cemetery Lawn Maintenance

Mr. Randy Bowens stated the purpose is to approve and award a contract to R.A.I. Maintenance Service, Inc. for the lawn maintenance of Rosehill Cemetery.

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At the November 7, 2016 City Council meeting, Mayor Joe Jerkins authorized \$12,000.00 for the use of lawn maintenance of Rosehill Cemetery.

The following three bids were received. It is the recommendation of the Public Works Committee to approve and award a contract to R.A.I. Maintenance Service, Inc. The annual cost is based on seven months.

Notes:

- (a) Mowing Season: March 2018 through September 2018.
- (b) Annual Cost is based on seven months
- (c) Price includes trimming
- (d) Proposals submitted have a valid Certificate of Liability Insurance

Bidder	Monthly Cost	Annual Cost	
R.A.I. Maintenance Service, Inc.	\$1,550.00	\$10,850.00	
J & J Landscape	\$4,000.00	\$24,000.00	
Duggy's Lawn Care	\$1,500.00	\$ 9,000.00	Withdrew

Funding is available in the Fiscal Year 2018 annual budget and will be charged to the A.A.C.I.C. Fund (785-1110-52-1200).

Mr. Scott Thomas moved to follow the recommendation of the Public Works Committee to approve R.A.I. Maintenance Service, Inc. for maintenance on Rosehill Cemetery. Seconded by Mr. Ollie Clemons. Motion passed (3-2 against). Ms. Valerie Anderson & Randy Green voted against.

C. Speed Bumps – Franklin Street

Mr. Bowens stated we have received a request for Speed Bumps on Franklin Street runs off of Bowden Street going through Stonebrook subdivision. We actually installed speed bumps in the subdivision at Stonebrook because they do travel very fast coming out of there. Once they leave the subdivision there is only three houses left on Franklin Street. The petition we received has all three signatures on it. It is like a short street so I would think the Police can get over there and run radar on them who are speeding. This is Item C that we added on tonight to request the speed bumps on Franklin Street.

Ms. Valerie Anderson moved to follow the recommendation of the Public Works Committee to approve the Speed Bumps on Franklin Street. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

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**12. PARKS DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director**

- A. No Report

**13. COMMUNITY DEVELOPMENT
VALERIE ANDERSON
Jim Graham, Director**

- A. Code Enforcement Report
B. Rezoning – 6133 Spring Street, LL 14, Parcel 58 of the 18th District, 2nd Section of Cobb County from R-15 to Neighborhood Shopping (NS).

Ms. Valerie Anderson stated the Department of Community Affairs has received a request from Mark Taylor to rezone the property located at 6133 Spring Street, in LL 141, parcel 58 of the 18th District 2nd Section of Cobb County, for the purpose of a Pre-School/Daycare.

The Planning and Zoning Board voted (5-0) in favor of the proposed rezoning.

Ms. Anderson stated she would like to turn this over to the City Attorney, Scott Kimbrough for a Public Hearing.

Mr. Kimbrough stated the Department of Community Affairs has received a request from Mark Taylor to rezone the property located at 6133 Spring Street, in LL 141, parcel 58 of the 18th District, 2nd Section of the Cobb County, for the purpose of a Pre-School/Daycare. Mr. Kimbrough asked if Mr. Taylor was present. Mr. Kimbrough asked Mr. Taylor to please come forward.

Mr. Kimbrough stated we have two people who has signed up to speak in opposition. Ms. Lana Lawrence and Mr. Daniel Blackburn. Mr. Kimbrough asked all too please raise their right hand and be sworn-in. They all did.

Ms. Trina Johnson stated she was interested in building a Pre-school and purchasing the property and it is approximately 2.61 acres. Ms. Johnson presented the photographs of the building to the Mayor and Council. We are also interested in having a buffer so the community will still have some privacy. The Daycare will hold about a hundred children.

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Mayor Jerkins asked Ms. Johnson if she was going to tear the house down and build another building. Ms. Johnson stated, yes she was. Ms. Valerie Anderson asked Ms. Johnson if she owned a pre-school now. Ms. Johnson stated, yes, she did in Lithia Springs, GA and it is actually only ten minutes away. I am hoping to bring some of the children to the new facility. Ms. Sandra Leverette asked how many children you will have in the new facility. Ms. Johnson stated it is licensed for a hundred children. I currently have sixty-five children in the facility in Lithia Springs. Ms. Leverette asked what hours would be at the facility. Ms. Johnson stated the hours would be six-thirty (6:30 a.m.) to six (6:00 p.m.). Mr. Kimbrough asked if anyone had any more questions of Mr. Taylor or Ms. Johnson. Mr. Randy Green asked if this facility would be closed in or fenced in. Ms. Johnson stated, yes, it would be fenced in. Mr. Green asked will it be a blind fence. Ms. Johnson stated it will be a wooden fence. Mr. Kimbrough asked is there any more questions of Mr. Taylor or Ms. Johnson. There were no more questions.

Mr. Kimbrough asked who will be speaking first in opposition. Mr. Daniel Blackburn and Lana Lawrence stated their names.

Mr. Daniel Blackburn stated his biggest concern is how many daycare facilities are in Austell at the present time. Ms. Valerie Anderson stated she only knew of one day-care in Austell. Ms. Lawrence asked do we perhaps know how many daycares are in the City but not operational. Ms. Valerie Anderson stated she did not know that. Mr. Blackburn stated there are two in the City within walking distance. Ms. Valerie Anderson stated, o.k. where are they? Mr. Blackburn stated one is in downtown Austell and the other is right next to the gas station. My concern too is why we should tear down a historical home. Ms. Valerie Anderson stated the daycare next to the gas station is closed. Ms. Lawrence stated our concern is because we live on Spring Street and thank you for the opportunity to speak and address this situation. I have properties here and a home on Spring Street. Mr. Daniel Blackburn lives next door. We have spoken with Ms. Trina Johnson and actually talk with Mr. Taylor. Our concern is that I have another property and there is a daycare that is closed down and it is about three doors down from my other property. It has been closed for a while now and they seem to become in disrepair and blighted and become an eyesore. It seems like it is difficult for us as a community to obtain as an interested party to take the space. So as residents on Spring Street we do not want to see that happen. We understand that Ms. Johnson wants to build a new building. The problem seems to be that it is a great piece of property and it is large. The building itself is going to be almost five thousand square feet.

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Daniel and I are the only two homes on this particular block and our homes are probably fifteen, sixteen or seventeen hundred square feet. Yes, I have much larger homes but this one I am retiring in and I have been staying in this home for the last several years when I come to Georgia. I also maintain a home in Florida. Which most people would think I will be retiring in Florida but I am not? My home here is third generation for my family. We have been in this home for almost forty years and we intend to keep this a family home. I have an acre surrounding by three acres. There is so many issues concerning the pre-school as to what they want to do. My concern is there are traffic issues and Spring Street is a dead end and it has always been a dead end. Many years ago it wasn't a dead end street. We don't have a lot of traffic on this street. If the school goes there it will increase the traffic by a thousand cars a week if you base it on a hundred children. If they have two buses and I don't know how many children will be bused in. Ms. Johnson stated the children will not be bused into the facility. Ms. Lawrence stated she needed to have an understanding of how that will work. If you have a hundred students and there is five days a week and it is a round trip that is a lot of traffic on Spring Street. Mr. Blackburn stated I would like to speak on that as well. The new building will be built right in front of the substance abuse center. It is the Cobb/Douglas Public Health Building. We already have issues with trespassing on the property. If the daycare has a parking lot how will they secure it? It will be another means to trespass and cause problems. We are seeing problems already and it will for sure increase. The biggest thing is it is a residential street. I have some information as well from Cobb County to discourage putting a neighborhood shopping district next to a residential property. It will be an issue with privacy and with noise no matter what gets built. There will be kids playing and traffic and there will be issues. We would like to know how the City will be addressing this as far as Police, Fire safety as well as a crossing guard. Will there be speed bumps, stop lights, etc. Ms. Lawrence stated we also have in addition to Mr. Blackburn's concerns which are also mine. CoParts which is on Old Alabama and unfortunately thanks to our technology today everyone's GPS sends them from Bankhead Highway up to Wilson. And for those of you that don't know where Wilson is, Spring Street and Wilson intersect a block off of Bankhead Highway. They are bringing in haulers with junk cars many times a day. Maybe once a day or maybe twice a day. You will have existing school buses and transportation that is coming along Love Street that also uses Wilson and sometimes Gray Street for the rehabilitation center. What Mr. Blackburn was referring to before was the fact that the trespassers that go between Dan's yard and my yard are from the abuse center. The folks there are recovering but they do have some issues and most of the people are pleasant.

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You can tell them to please don't come through the yard and most will listen. There are some that are not very cooperative. There are a lot of them who will cut through our properties. I told Trina good luck because we have these people who are abusing that property for egress and to accommodate their own needs whatever they may be. So, what Dan is talking about in terms of speed bumps and stop signs and existing traffic and the fact that we have enough and Spring Street is a short street is of concern to us? Mr. Blackburn stated I guess my concern is to the number of buildings that are not utilized why is there a need to tear down a historical home and put in another business. Ms. Trina Johnson stated she did speak with them about this and what we will do is knock the trees at the property line first and not the house first. I want to see how much land we have to build the building. If I could restore that home I would but it is too costly to restore the home. Mr. Taylor stated it has been sitting vacant for fifteen years. It has a lot of roof damage and moisture in the house. If it can be repaired it would be a lot of money to repair it. Ms. Lawrence stated it is one of Austell's prettiest homes. They all agreed. Ms. Lawrence asked do we have an estimate on what it would take to restore that home. Ms. Johnson stated yes, she had a contractor look and he told me it would take about a thousand to knock it down and about fifty thousand to renovate. Mr. Taylor stated he has had people up there and just getting it closed out and ripped out inside the low ball was fifty thousand dollars. If you were to restore it for what it should be it would be over a hundred thousand dollars into the home. Ms. Johnson stated the engineers are telling me the property will be three hundred feet from your property. You shouldn't have a problem between the buffer and the trees. Mr. Blackburn asked if he could see the buffers for the property. Ms. Lawrence stated she didn't think Mr. Blackburn would be able to get out of his driveway because it will be entirely too close. Ms. Johnson stated she had a daycare now with a hundred kids and we have never parked in anyone's driveway. Ms. Lawrence stated your center there is very different. Ms. Lawrence asked Ms. Johnson why she was leaving there. Ms. Johnson stated she was leasing the building and she wanted to own. Mr. Kimbrough asked Mr. Blackburn and Ms. Lawrence if they had any more questions.

Mr. Blackburn stated yes, he did. I have a concern with the zoning site as neighborhood shopping. This will open it up to all kind of businesses that can go in that spot if this business were to fail. Will this be considered spot zoning or what for this piece of property? Mr. Kimbrough stated, yes it is for this piece of property. Mayor Jerkins stated the property next door is zoned for commercial.

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Mr. Kimbrough stated this piece of property is the only petition to be changed from residential to neighborhood shopping. This will effect just this piece of property. So, therefore it will stay with this piece of property indefinitely until sometime in the future if the current owner or future owner at that point and time and request a rezoning to something else. Ms. Lawrence stated let's just cut through the chase here what about a deed restriction. My opinion is encroachment situation here and also my attorney's opinion who isn't here tonight. It violates individual civil liberties and also violates our territorial rights and the right to tranquility, peace and quiet and enjoyment. We are going to have noise and we are going to have hazardous waste. We are going to have increased traffic. Also, the demise of two historic buildings. When I thought Austell was attempting to create a more historic city. My house is from the 1890's and I have not changed anything in it. It has the original glass in it. I went to the historical society and followed their guidelines so I could establish the house as a historical building. So my question is there are other places in the City that maybe Trina could find and is it really necessary and what will we gain out of Trina's daycare in a residential area. I don't understand this and that's why I point to encroachment and the deed restriction. The deed restriction, and if Trina's place doesn't work out and if it does pass and she can do it and we allow that and it doesn't succeed for some reason and too daycares do not have the greatest success record. We know there has been issues in the past. I will leave it at that. My case would be we have done some investigation and I don't know if Trina is under investigation for another daycare center. I really don't want to put her in this position and I don't like having to do that. It just takes a situation like a child left in a car and the City has been through this before. It wasn't a good thing for Austell. It was an embarrassment. I am a business owner and I have several locations with businesses and in two of the businesses I have daycares close by. I had actually considered opening a daycare because I thought it could be very lucrative. Not only lucrative but provide services to the community. I chose not to for many reasons. But, it does concern me because we did go online and did some research. If Trina doesn't succeed we will not succeed. Deed restriction right now and zoning there with this commercial stuff you could put a recycled center if she leaves or gets closed down for an incident. Mr. Blackburn stated this deal is actually pending based on Council's approval. So, if you approve this as neighborhood shopping daycare and for whatever reason their financial obligations doesn't work out with each other it will open up a lot of doors for the different businesses to open up. Businesses that could very much change the neighborhood. Ms. Lawrence stated or drug rehab which we already have one. We look to you because we have a wildlife park there.

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Mr. Kimbrough asked if any of the Council had any questions. Mr. Ollie Clemons stated you mentioned hazardous waste can you explain. Ms. Lawrence stated diaper kind of stuff. Lot of kids and a lot of poo poo. Kids get sick and there is flu and colds.

Mr. Mark Taylor stated the home on the outside meaning the brick work on the outside is the only good thing about the home. The insides are horrible. I wasn't trying to sell it but we came across paths and this is what happened and sounds like a good idea. Ms. Johnson stated she did have some concerns and she did ask me to keep the house but I cannot promise that. Mr. Taylor stated also, I would think the parents will be coming off Veterans Memorial Highway. They will come in by the restaurant and come in on Line Street to get to the daycare. I think they would do this instead of going down a city street. I think that would be a faster way to come in. Mr. Kimbrough asked if this was his egress entrance off of Veterans Memorial Highway. Ms. Johnson stated, yes it is. Mr. Kimbrough asked if there was anything else. Mr. Kimbrough stated at this time we need a motion to close the public hearing.

Mr. Scott Thomas moved to follow the recommendation of Mr. Kimbrough to close the Public Hearing. Seconded by Ms. Leverette. Motion passed (5-0).

Ms. Valerie Anderson moved to follow the recommendation to approve the Rezoning – 6133 Spring Street, LL 14, Parcel 58 of the 18th District, 2nd Section of Cobb County from R-15 to Neighborhood Shopping (NS). Seconded by Ms. Sandra Leverette. Motion passed (5-0).

C. Threadmill Complex Parking lot Re-Striping

Ms. Valerie Anderson stated it is the recommendation of the Community Affairs Department that Mayor and Council authorize Director Jim Graham to execute an agreement with the Austell Public Works that allows for the re-striping of all parking spaces, center lines, handicap stencils, Stop bars, black out of existing arrows, Fire lanes curbs, and double yellow driveway lines, for a cost of \$4,755.00.

The project is to be funded through the approval FY2018 Mill Site Improvements budget.

Ms. Valerie Anderson moved to follow the recommendation to approve the Threadmill Complex Parking lot Re-Striping. Seconded by Mr. Ollie Clemons. Motion passed (5-0).

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14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING
TIME:
LOCATION:

DECEMBER 12, 2017
6:30 P.M.
HOSTED BY SMYRNA
SMYRNA COMMUNITY CENTER

B. A.A.C.I.C. Request – (Please see attached Sheet:)

*Mr. Randy Green moved to follow the approval of the A.A.C.I.C. Request.
Seconded by Mr. Ollie Clemons. Motion passed (5-0).*

16. ADJOURN

*Mr. Scott Thomas moved to follow the recommendation to adjourn the meeting.
Seconded by Ms. Sandra Leverette. Motion passed (5-0).*