

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, JUNE 4, 2018**

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

Also present were: Scott Kimbrough, City Attorney; Denise Soesbee, Finance Director; Bo Garrison, Public Works Director; Jim Graham, Community Development Director; Pat Maxwell, Fire Chief, Bob Starrett, Police Chief and Elizabeth Young, City Clerk

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order and Reverend Joel Rodriguez gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if there was any items to add to the agenda. Mr. Green asked to add a variance for the Police Department for Aziz Fariska to item B and move the privilege license to item C. Mayor Jerkins stated we need a motion to approve this added item. *Mr. Thomas made a motion to add item to the agenda. Seconded by Mr. Clemons. Motion passed (6-0).*

**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 \$2,330.00
- C. Approve Minutes of Regular Council Meeting May 7, 2018

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

**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

Mayor Jerkins asked if anyone would like to speak to the Council. Ms. Allison Beavers came forward. Ms. Beavers wanted to report a complaint on Officer Fields regarding an altercation on Pine Street. Ms. Beavers stated Officer Fields came to Pine Street and while she was asking him questions he was very rude and cursed at her. Mayor Jerkins asked if Chief Starrett was aware of this. Chief Starrett stated he knew there was an issue

down there. Ms. Beavers stated she called Valerie Anderson to come to Pine Street. Ms. Beavers is concerned about the wellbeing of the children at the park and would like our Police Department to patrol the area more often. Chief Starrett asked Ms. Beavers if she filed a complaint with his office. She stated she had not yet but would be doing that soon. Chief Starrett explained to Ms. Beavers how the complaint process works. Mr. Clemons asked Ms. Beavers what is going on at the park. She stated drinking and selling drugs while the kids are at the park. Ms. Beavers asked Ms. Anderson if she could explain what happened when she arrived. Ms. Anderson stated Officer Fields apologized and then Officer Ellis jumped out of his car stating he was going to make some arrests. Ms. Anderson stated she told them there needed to be some clarity and that is when she called Chief Starrett. Chief Starrett stated that per their statistics, his officers are patrolling the park more than anywhere else in the city. Mr. Green asked Ms. Beavers if there was anyone in the park that will identify who is drinking and selling drugs then our officers can make some arrests to help with this problem. Chief Starrett stated that we have a tip line that is anonymous that citizens can call in to. Ms. Anderson stated that we can control people sitting in the park drinking. Mr. Clemons apologized to Ms. Beavers for the continuing problems she has had and for any disrespect she got from our officers. Ms. Leverette asked Chief Starrett how often do our officers go through this area. He stated he goes through personally several times a day and our officers are there every day at some point. Chief Starrett assured Ms. Beavers that we will stay on top of it and try to get it under control.

Ms. Monica Delancy from the Riverside Community asked to speak to the Mayor and Council. She wanted to recognize several graduates from Pebblebrook High School and congratulate them. She spoke about ideas of helping the kids in her area to keep them busy during the summer.

## **6. GAS SYSTEM REPRESENTATIVE**

### **JOE JERKINS**

City Attorney, Scott Kimbrough stated it was a good winter followed by a cool April. The gas is measured through the system by MMBTU's. For the month of April we sold 148,000 more MMBTU's than we did the last April. Year to date we have sold a little more than 1.5 million more MMBTU's than last year. Every year a budget is done to project how much gas will be sold each month and they have it down to a science. In April they did not do so well, as far as revenue we sold a little more than a million dollars more than what was projected. This is good news for the city and the gas system. They have finished construction of the plant at the end of Joe Jerkins Blvd. and things are going well for the gas system.

## **7. FINANCE DEPARTMENT**

### **OLLIE CLEMONS, CHAIRPERSON**

#### **Denise Soesbee, Finance Director**

- A. Financial Report
- B. Public Hearing – Final Reading of the 2018-19 Fiscal Year Budget

The following items have been reflected in the 2018-19 Budget:

- Salary increases for all full time employees of 5%
- Increases in healthcare premiums of 10% beginning January 1, 2019
- Increases in retirement costs due to fundamental changes to the City's current retirement plan
- Increases in funds provided to special events.

These increases will primarily be funded by franchise fee revenue as well as charges for services.

Mr. Clemons turned it over to Mr. Kimbrough for a public hearing on the Final Reading of the 2018-19 Fiscal Year Budget. Mr. Kimbrough asked if anyone had any questions about the budget. No one had questions.

*Mr. Thomas made a motion to close the public hearing. Seconded by Ms. Anderson. Motion passed (6-0).*

*Mr. Clemons made a motion to approve the 2018-19 Fiscal Year Budget. Seconded by Ms. Leverette. Motion passed (6-0).*

## **8. GENERAL ADMINISTRATION**

**SANDRA LEVERETTE, CHAIRPERSON**

**Elizabeth Young, Director**

- A. No Report

## **9. POLICE DEPARTMENT**

**RANDY GREEN, CHAIRPERSON**

**Bob Starrett, Police Chief**

- A. Police Report

- B. Variance – Aziz Farista

Mr. Green turned it over to Mr. Kimbrough. Mr. Kimbrough asked Mr. Farista to stand. Mr. Farista applied for a privilege license that was turned down due to a criminal matter that was within the last 10 years. Mr. Kimbrough asked if it was fine that he discussed his criminal matter with everyone. Mr. Farista stated yes. Mr. Farista was arrested on September 17, 2009 in the city of Sandy Springs for a DUI. On September 18, 2009 he pled guilty to the DUI. The City of Austell has a look back window of 10 years so that someone applying for a privilege license can't have a conviction within that 10 years. Mr. Farista is asking for a variance from the Council to allow him to apply for the privilege license. Mr. Kimbrough asked if anyone had questions. Mr. Green asked if there was anything else on his record over the last 10 years. Mr. Kimbrough stated no. Mr. Kimbrough asked if Mr. Farista had any questions and he stated no.

*Mr. Green made a motion to approve the variance request for Aziz Farista. Seconded by Mr. Thomas. Motion passed (6-0).*

C. Privilege License Request-Johnny's Liquor Store, Inc.

An application has been filed by Aziz Farista for an alcohol license located at 5770 Veterans Memorial Hwy.

*Mr. Green made a motion to approve the Privilege License for Johnny's Liquor Store, Inc. Seconded by Mr. Clemons. Motion passed (6-0).*

## **10. FIRE DEPARTMENT**

**MARLIN LAMAR, CHAIRPERSON**

**Pat Maxwell, Fire Chief**

A. Fire Report

## **11. PUBLIC WORKS DEPARTMENT**

**VALERIE ANDERSON, CHAIRPERSON**

**Randy Bowens, Director**

A. Shop Roof

The buildings and Public Works facilities are a key part of the service the City provides to the residents. The shop roofs need some repairs in order to keep all the city property safe and secure. The total of \$34,429.72 will be paid from 2016 SPLOST funds 335-4200. It is the recommendation of the Public Works Department to accept and approve the project for the shop roof.

*Ms. Anderson made a motion to approve. Seconded by Ms. Leverette. Motion passed (6-0).*

B. Pipelines

1. Hotel Street
2. Deerfield/Water Oaks
3. Rolly Street
4. Center Street
5. Cemetery Street

As part of the development and growth in the City of Austell and the need for installation of runoff systems, it is necessary to improve the pipes in the streets mentioned above. The total of \$78,122.00 will be paid of Stormwater fund 515-4320.

*Ms. Anderson made a motion to approve. Seconded by Mr. Thomas. Motion passed (6-0).*

C. Austell Road Sidewalk Project

Cobb County is interested in improving the sidewalks of the City of Austell, which is why this project, mostly financed by the county, is proposed at the consideration of the council. The financial contribution of 5% of the project cost or up to a maximum of \$75,000.00 from 2016 SPLOST TIP Funds in which the county estimate the monthly share of the project will be \$6,250.00 as indicated in page 8 paragraph 13 of the agreement between the city and the county. It is the recommendation of the Public Works Department to accept and approve the project for the Austell Road Sidewalk.

*Ms. Anderson made a motion to approve. Seconded by Mr. Clemons. Motion passed (6-0).*

D. Meadows Road Sidewalk Project

Cobb County is interested in improving the sidewalks of the City of Austell, which is why this project, financed by the county, is proposed at the consideration of the council. The financial contribution will be from 2016 SPLOST TIP (Transportation Improvement Program) Funds. It is the recommendation of the Public Works Department to accept and approve the project for the Meadows Road Sidewalk.

*Ms. Anderson made a motion to approve. Seconded by Ms. Leverette. Motion passed (6-0).*

## **12. PARKS DEPARTMENT**

**SCOTT THOMAS, CHAIRPERSON**

**Jim Graham, Director**

A. Special Event-One Day Permit for alcohol sales and consumption

Mr. Thomas turned it over to Mr. Graham. Mr. Graham asked for Debbie Ginocchio to come forward. Ms. Ginocchio passed out a flyer to the Mayor and Council. Ms. Ginocchio is with Sweetwater Missions and wants to bring more activity to the community. She is having a Disc Festival at Louise Suggs Park on September 15, 2018 from 9:00 am – 6:00 pm. The festival will consist of a charity disc golf tournament, corn hole tournament and chili cook-off. There will also be live entertainment as well as over 100 food vendors. Sweetwater Mission is requesting a one day permit for alcohol sales. Mayor Jerkins explained to Ms. Ginocchio that you cannot sale alcohol without a license. He told her she would have to sale tickets and the people will have to

turn the ticket in, in order to get alcohol. She agreed that she would sale tickets for alcohol.

*Mr. Thomas made a motion to approve the request. Seconded by Ms. Leverette. Motion passed (6-0).*

### **13. COMMUNITY AFFAIRS**

#### **OLLIE CLEMONS, CHAIRPERSON**

##### **Jim Graham, Director**

A. Code Enforcement Report

B. Annexation – 2381 Clay Road

The Department of Community Affairs has received a request from Mathew P. Chandy to annex the property located at 2381 Clay Rd. in LL 1157, parcel (16) of the 19<sup>th</sup> district 2<sup>nd</sup> Section of Cobb County. The proposed use of the property will be assemblage for a new Full service gas station with convenience store and additional retail space. Mr. Clemons turned it over to Mr. Kimbrough for a public hearing. Mr. Kimbrough asked if Mr. Chandy was here. He did not attend the meeting. Mr. Kimbrough asked Mr. Graham if anyone signed up in opposition. No one signed up. It was requested to table this item until next month because several council members had questions. Mr. Kimbrough stated we need a motion to close the public hearing.

*Mr. Clemons made a motion to close the public hearing. Seconded by Mr. Green. Motion passed (6-0).*

*Mr. Clemons made a motion to table this item until the next meeting. Seconded by Mr. Thomas. Motion passed (6-0).*

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

A. No Report

### **15. MAYOR'S REPORT**

A. TAVT Distribution Agreement

Mayor Jerkins turned it over to Mr. Kimbrough. This is the certification agreement of the title ad valorem tax. It is an agreement entered into specifically the Cobb County Tax Commissioner and each of the municipalities in Cobb County. It deals with the disbursement of those funds pursuant to the statute O.C.G.A.48-5C-1 (b) (1) (B) (viii). I have reviewed the agreement and the statutes and everything is in order. Mayor Jerkins stated we need a motion to approve.

*Mr. Clemons made a motion to approve. Seconded by Mr. Green. Motion passed (6-0).*

- B. CMA Meeting will be June 12, 2018 at 6:30 p.m. at The Beach House in Acworth.

## **16. ADJOURN**

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