

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, AUGUST 6, 2018**

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

Also present were: Hylton Dupree, 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 Pastor John Bailey gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked for Mike Collins to come forward. Mike has been with the city for 5 years & has done a great job. Mayor Jerkins presented Mike with his 5 year pin and thanked him for all he has done for the city.

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 \$2,713.71
- C. Approve Minutes of Regular Council Meeting July 2, 2018

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Sarah and Andrew stated they were here on behalf of the Austell Business Association. Andrew stated they were having a few events in the upcoming months he wanted everyone to be aware of.

Brian Mills came forward to speak about an issue of a development going on behind his property on Goodwin Road. The development is a PUD by Venture Homes. He stated it

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went before Mayor and Council October 2, 2017 & was denied at that point. He stated they had the petition at that meeting & Mr. Kimbrough was in the Mayor's stead. He stated Sandra Leverette contacted him because Venture Homes wanted to meet to come up with a compromise. In the meeting, Venture Homes had a set of plans & had taken away 5 homes, with proposed green space & we were told it was already approved & something was going through one way or the other. He stated Michelle & himself signed off on the drawing then & it went back before Council a month or so later & it was approved. The project started construction 2-3 months ago. I noticed there was a detention pond being built right against our property which is not where it was approved. It was approved to be within their property a half a mile away. They moved the detention pond over into the green space that we had agreed upon as a compromise & they used that because it was free space. I brought it to the attention of Bo & we met on site with the superintendent. I pointed out that the plans they are building were not what was approved by the Council. We met several other times with Ollie, Sandra & all of our neighbors were there. I looked up the zoning of a PUD & we were misled to what we were being presented in the council meeting. They needed several variances to get this passed & they did not go through the variance process. Mr. Mills stated that Mr. Green asked about lot size in a previous meeting. The lot size for a PUD is 8,500 square feet, what was approved on the drawings was 4,000 square feet per lot which is way less than 50% of the lot size. In the council meeting, Mr. Kimbrough stated that all the distances on the site plan were within the PUD standards. As of last week, I talked to Jim & he still didn't know that was an issue even after all the communications we have had. The other issue is the front yard setback is 40 feet, they went forward with 25 feet and did not ask for a variance. Side yard setbacks for PUD is 10 feet, theirs is 5 feet. I think they meet the rear yard setbacks. If you add all of the issues up, they didn't follow the variance process which the whole intent of the variance process is to notify everyone that they are requesting a deviation from the required zoning ordinances. It is my understanding that if a zoning change or variance is voted down, it is 12 months before it can be brought back before Mayor & Council and that was not done. I have brought it to the attention of Ollie & Sandra & some of these issues need to be dealt with. Mrs. Leverette asked Jim Graham if he would like to comment. Mr. Graham stated this was never a rezoning that there were site plan changes from the get go. The council had 2 months to look over the site plans & I checked with Mr. Kimbrough & he stated when it comes to council they vote on it & can issue all the variances they want. Mr. Mills stated if a variance is applied for then it will inform everyone of what is going on. Mr. Graham stated that Mr. Mills was told that regarding the detention pond, that was a preliminary site plan and not a developmental site plan. Mr. Graham stated he met with Mr. Mills last week & he called our city engineer. The engineer has never been to the site but he came down this morning & looked at the whole site. Mr. Graham stated he had a letter from our engineer stating that was the most appropriate place for the detention pond. Mr. Mills stated that just because it's the appropriate location that is not what was approved & they cannot disregard the approved location. Mr. Graham stated that he was told multiple times that what is proposed is not always what happens, it is what the engineer says is the best place. Mr. Mills stated that the engineer said in the meeting that he could relocate it. Mr. Graham stated they looked at it this morning & have conceded with an additional privacy fence & a buffer will be planted around the detention pond. Mr. Mills read from the minutes that

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Mrs. Anderson requested to deny the rezoning & that there should have been a variance & it should not have been voted on for 12 months. Mr. Mills stated the approval of the plan was contingent on the green space that we signed on & it was voted down in the council & the only reason it was sent back & passed was because we signed off on that green space. Mr. Mills stated the main point is you can't skip the variance process. Mr. Graham stated that a Planned Unit Development is just like it says, it's a Planned Unit Development, no matter what our ordinance says. They have taken out 5 houses & have moved the pond an additional 20 feet down & they haven't gotten the landscaping up yet because it is still under construction. Mr. Mills stated this is barely meeting the Cobb County requirements & is subject to a specific site plan. If it is approved they have to build that, they can't move the detention pond a half mile away. They need to get it reapproved if they think that is the best place for it. Mr. Graham stated the engineer stated this morning if the detention pond was put where it was proposed it would have been in the stream buffer & they would not have allowed that anyway. Mr. Mills stated that there is a flood plain all around the property & the detention pond could have been put anywhere because water flows downhill. Mr. Mills stated it was his understanding that Mr. Graham's department is for pointing out when a variance is needed & he does not understand why that was not pointed out. Mr. Mills stated he does not know how they can reduce a lot size by 60 % & no one brings it up. Mr. Graham stated we have checked this out legally & we have spent money to have the city engineer come look at it. Mr. Mills is concerned because he says the city has not met the minimum requirements. Mrs. Anderson asked Mr. Graham what would it take for us to do a variance. Mr. Graham stated we would have to call a variance hearing & after the variance board hears it, it does not come to Mayor & Council it stops at the variance board. Mr. Mills stated no one not even the council knew about the deviations. Mrs. Leverette stated on October 2, 2017, Mayor & Council did vote it down, then we came back in December 2017 for a zoning site plan change & instead of 68 homes they did away with 5 homes. On that day we approved the second request.

Brett Blair & John Thompson, commercial real estate agents, asked to speak to the Mayor & Council regarding John Lamb at 2914 Veterans Memorial Hwy. Mr. Blair stated that Mr. Lamb was running his business at this location & he got to a point where he wanted to lease the building out & he contacted us. We looked at the property & it is a mechanic shop, it was a gas station before. Ms. Norris wanted to lease it & her business is an auto restoration process. Mr. Lamb was concerned about the site remaining clear on the exterior. Ms. Norris agreed to keep it clear with a limited number of cars at all times on the exterior. The lease was signed & Ms. Norris applied for her business license which has not been approved. Ms. Norris was informed there was an ordinance passed recently for auto repair shops. Darrell Weaver provided Ms. Norris with the ordinance. Mr. Graham stated he met with someone before they purchased the property & he was told it was going to be a fire restoration business. Mr. Maxwell stated he has been trying to get the owner to get a business license for over a year & he hasn't done anything to improve the property. Mr. Graham stated the reason the ordinance was passed was to limit the number of garages in the city. Mr. Graham stated that it's not against anyone having a business but if they allow this then what good is the ordinance. He also stated some people do it right & some don't. Mr. Clemons stated the ordinance was created because

of the numerous amount of garages/body shops we have & the citizens are wanting more commercial development in the city. Mr. Blair asked if they would be able to get a variance & Mr. Clemons stated no, they would need to follow Mr. Graham's recommendation. Mr. Graham stated if they come with another type of business they will be able to help them.

Andrea with Peachstate has followed our bid process over the years. She is asking if Peachstate could put a bid in on the Public Works items.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated everything is still the same as last month.

**7. FINANCE DEPARTMENT
OLLIE CLEMONS, CHAIRPERSON
Denise Soesbee, Finance Director**

A. Financial Report

**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. Resolution for 911 Charge on PrePaid Services

C. Resolution for 911 Charge on PostPaid Services

Mr. Dupree explained the 911 charge for Prepaid & Postpaid services will remain at \$1.50 per month on wireless services & land lines.

Mr. Green made a motion to approve the PrePaid & PostPaid Resolutions. 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
Bo Garrison, Director

A. Stormwater Infrastructure Inventory-Rindt-McDuff

The need of an identification of the stormwater infrastructure will allow managing which areas are most critical and how many structures are collected. Cost \$92.00 per structure with approximately 600-660 structures in the city for a total of approximately \$55,200 - \$60,720.

B. Pump Stations-John Street & Scott Drive-Keck & Wood Inc.

Elimination or abandonment of the pump stations will be accomplished by installation of new gravity sewers to nearby existing gravity sewers so the pumping is no longer necessary to transfer wastewater. The preliminary construction cost for both pumps is in the range of \$500,000.00 to \$600,000.00 and will come from contingency funds.

Mrs. Anderson made a motion to approve the Stormwater Infrastructure Inventory. Seconded by Mr. Thomas. Motion passed (6-0).

Mrs. Anderson made a motion to approve the Pump Stations. Seconded by Mr. Green. Motion passed (6-0).

12. PARKS DEPARTMENT

SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director

A. Global Sports Lease

The Parks Committee recommends approval of the 2 year lease starting August 6, 2018 through August 6, 2020 for Global Sports.

Mr. Thomas made a motion to approve the 2 year lease. Seconded by Mrs. Leverette. Motion passed (6-0).

13. COMMUNITY AFFAIRS

OLLIE CLEMONS, CHAIRPERSON

Jim Graham, Director

A. No Report

Mrs. Leverette asked about the code enforcement report & Mr. Graham stated there were no changes from last month so he had no report.

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA Meeting

August 14, 2018

6:30 pm at 2382 Pine Mountain Road

16. ADJOURN

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Mrs. Leverette. Motion passed (6-0).