

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 5, 2015**

Present: Mayor Joe Jerkins
Kirsten Anderson
Ollie Clemons
Randy Green
Scott Thomas
Suzanne Thomason

The regular meeting of the Mayor and Council was held on Monday, October 5, 2015, at 7:00 P.M. at City Hall.

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

1. CALL TO ORDER

Mayor Jerkins called the meeting to order and Minister Clay Henry gave the Invocation. Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins asked if anyone would like to add Items to the Agenda. Mr. Thomas stated he would like to add 12B. – Request to use of Veterans Memorial Park.

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to approve the item added to the Agenda. Seconded by Mr. Green. Motion passed (5-0).

Mayor Jerkins presented Chief Pat Maxwell with a Plaque and Pin for his twenty-five years of service. Mayor Jerkins thanked Chief Maxwell and stated what a fantastic job he had done over the years. Chief Maxwell has done a lot of training and has helped the Fire Department tremendously. I am so proud of him and I know the City is proud as well.

Mayor Jerkins presented a Plaque and Pin to Sergeant John Forrister, Police Department for his ten years of service. Mayor Jerkins thanked Sgt. Forrister for his dedicated service and told him what a great job he has done over the years. Mayor Jerkins presented a Pin to Walter Parris for his five years of service with the City. Mayor Jerkins thanked Mr. Parris and told him what a good job he has done.

2. CONSENT AGENDA – INFORMATION AND UPDATE

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

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3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$2,487.50
- C. Approve Minutes of Regular Council Meeting September 14, 2015

Mr. Clemons moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Anderson. 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. No one spoke.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins stated Mr. Kimbrough and Mr. Clemons attended the meeting. Mr. Kimbrough stated he and Mr. Clemons attended the Gas Board Meeting and adopted the normal gas rate schedule applicable to this month's billing. Everything seems to be pretty flat right now moving into the winter. Rob Register showed us a video from the weather channel which is predicting a colder and wetter winter than we have had in quite some time. Time will tell and the cold would be good for the Gas System but not so excited about the ice and snow but we will have a good cold winter.

7. FINANCE DEPARTMENT

JOE JERKINS – CO- CHAIRMAN

Denise Soesbee, Director

- A. Financial Report

8. GENERAL ADMINISTRATION

KIRSTEN ANDERSON, CHAIRPERSON

Carolyn Duncan, Director

- A. No Report

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9. POLICE DEPARTMENT

**JOE JERKINS – CO – CHAIRMAN
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. 10 Year Plaque & Pin – John Forrister & 5 Year Pin – Walter Parris

10. FIRE DEPARTMENT

**RANDY GREEN, CHAIRPERSON
Pat Maxwell, Fire Chief**

- A. Fire Report
- B. Pat Maxwell – Fire Chief – Plaque & Pin – 25 Years of Service

11. PUBLIC WORKS DEPARTMENT

**KIRSTEN ANDERSON, CHAIRPERSON
Randy Bowens, Director**

- A. No Report

12. PARKS DEPARTMENT

**SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director**

- A. Equipment Purchase for Collar Community Center
Mr. Thomas stated the Parks Department recommends approval to purchase new kitchen equipment for the Collar Community Center. The equipment will include a new warmer and refrigerator. The estimated cost of the equipment to be purchased from Restaurant Solutions is \$3,530. The equipment is budgeted for in FY 2016 line item 100-5530-54.2100. The quote from Restaurant Solutions is attached for your review.

Mr. Thomas moved to follow the recommendation of the Parks Committee to approve the Equipment Purchase for Collar Center. Seconded by Ms. Anderson. Motion passed (5-0).

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B. Request to use Veterans Memorial Park (Vote to Add)

Mr. Thomas stated the Parks Department has received a request from America Needs Fatima to use Veterans Memorial Park on October 10, 2015 to hold a public Holy Rosary (prayer) ceremony. A copy of the ceremony announcement is attached for your review.

Mr. Thomas moved to follow the recommendation of the Parks Department to approve the Request to use Veterans Memorial Park. Seconded by Mr. Green. Motion passed (5-0).

13. COMMUNITY DEVELOPMENT

OLLIE CLEMONS, CHAIRPERSON

Jim Graham, Director

A. Rezoning application from Kobay Development LLC for 5915 Spring Street

Mr. Clemons stated the Department of Community Affairs has received a request from Kobay Development LLC to rezone .2 acres of property located at 5915 Spring Street in LL 92, parcel 34, District 18 of the 2nd section of Cobb County from Central Business District (CBD) to Single Family Residential (R-10).

Mr. Norvell of Kobay Development LLC has been restoring the property to be used as a residential dwelling. At this time I would like to turn over to Mr. Kimbrough, City Attorney for a Public hearing.

Mr. Kimbrough stated at this time I would like to call for a Public Hearing. The request for a rezoning from Kobay Development LLC to rezone .2 acres of property located at 5915 Spring Street in LL 92, parcel 34, District 18 of the 2nd section of Cobb County from Central Business District (CBD) to Single Family Residential (R-10). Mr. Kimbrough asked who was present to speak on behalf of Kobay Development. Mr. Kurt Norvell stated his name and stated he was present on behalf of the property request. Mr. Kimbrough asked if anyone had signed up for opposition. No one did. Mr. Norvell was sworn in by Mr. Kimbrough.

Mr. Kurt Norvell stated his name again and stated he was the Manager of Kobay Development LLC. This is one of the older properties in the City of Austell and I have been restoring the property to be used as a residential dwelling. This property was originally traded in 1887 and the house was built in 1900 so there has been a lot to do. I have been working on this house nights and weekends for about five years.

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Just this past year I learned we were part of the Central Business District. Since I am going to be using this as my primary residence and I live in Marietta now, I wanted to change it from (CBD) to Single Family Residential. But, the new rules in the City of Austell are that my lot had been subdivided cut in half between 5901 and 5915 back in 2001. Ultimately, my lot was too small and it was 8300 square feet and didn't make the threshold of 10,000 square feet which is the threshold for single family residential. This is the reason for the variance and for the rezoning in general. The lot is so small now so it didn't make any sense for it to be Central Business District and too there would not be any parking in my neighborhood right there on the corner of Spring and Walker. It is my intention to build a little detached garage entering on Walker Street. This will get my car out of the roadway and make an improvement on the community. Mr. Kimbrough asked if anyone had any questions of Mr. Norville. Mayor Jerkins stated he had never seen anyone do a fantastic job on a house like Mr. Norville had done. It is a first class remodeling job and it looks so good. Mr. Norville has really worked hard and it is first class. Mr. Kimbrough stated having heard no other questions; I entertain a motion to close the Public Hearing.

Mr. Clemons moved to follow the recommendation of Mr. Kimbrough to close the Public Hearing. Seconded by Mr. Green. Motion passed (5-0).

Mr. Clemons moved to follow the recommendation of the Planning and Zoning Commission who voted unanimously (6-0) to approve the application on September 15, 2015. Mr. Clemons recommended the Mayor and Council to approve the application. Seconded by Mr. Green. Motion passed (5-0).

B. Amend Code of Ethics Ordinances Resolution

Mr. Clemons stated the next we have is the revised Ordinance and Resolution. On June 7, 2004 and May 4, 2015 City Council originally adopted the attached Ethics Ordinance and Resolution that was modeled after the Ordinance provided by the Georgia Municipal Association to become a certified City of Ethics through GMA. The Ordinance was submitted to GMA on May 5, 2015 but needed minor revisions before being accepted. Addition of definitions has changed from Board of Ethics to City of Austell Municipal Court. The attached Ordinance has been reviewed by GMA and has been found to be acceptable.

Mr. Clemons moved to follow the recommendation to adopt the attached revised Ordinance and Resolution. Seconded by Mr. Thomas. Motion passed (5-0).

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14. ATTORNEY, DUPREE & KIMBROUGH

Mr. Kimbrough stated we have one item for information only tonight. I don't know if you recall several months ago there was a gentleman James Quarterman who had filed a complaint against Mayor Jerkins. Mr. Quarterman accused Mayor Jerkins of being involved in some criminal activity. There was a gentleman who came and spoke during that time and I can't remember his name. This gentleman spoke about James Quarterman and his history with Mr. Quarterman. This gentleman talked about the stellar job the Mayor has done since he has been in office and how different the two are. Low and behold the Georgia Bureau of Investigation who was assigned by the Cobb County District Attorney because it would become a conflict of interest if they investigated it. They completed their investigation into the allegations made by Mr. Quarterman against Mayor Jerkins. The GBI findings and Vic Reynolds the District Attorney for Cobb County also concluded there is no evidence against Mayor Jerkins and is cleared from all charges or any wrong doing which is no surprise to all of us. I just wanted to let everyone know that issue has been resolved.

15. MAYOR'S REPORT

A. Proclamation – Diaper Day

Mayor Jerkins read the Proclamation and introduced Ms. Barbara Hickey.

Mr. Clemons moved to follow the recommendation of Mayor Jerkins to approve the Proclamation for Diaper Day. Seconded by Mr. Thomas. Motion passed (5-0).

Mayor Jerkins asked if anyone had any questions. Ms. Thomason stated she had some questions since she had missed part of the year. Ms. Thomason asked do we have an update on the gym as to how many employees are participating. Fire Chief Maxwell stated he could have Ms. Thomason a report by the next day as to how many participants we have. Mayor Jerkins stated it has been working very well and a lot of our employees use the gym as well as the Gas System. Also, on the building on the corner of Love Street and Jefferson what is the status on it and I know it has been raining but where are we on this. Mayor Jerkins stated we have ordered the trusses. Chief Maxwell stated we had an Engineer out to access it because you just can't put something there because it will collapse.

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We are just a couple of bids from moving forward with it. Like the Mayor stated we are supplying the trusses because we didn't want that to be held up. You will probably see work being done in the next couple of weeks. Chief Maxwell stated it is a good bit of work on that roof which will tie into the building. You are welcome to see the drawings. Mayor Jerkins stated we had to hire an Engineer because when you put a truss roof on the walls we had to make sure they approved it. Chief Maxwell stated we also did not want the City of Austell to take liability for anything that could happen without the trusses in the roof. Ms. Thomason asked if the roof would be green like this one at City Hall. Mayor Jerkins stated we haven't picked a color as of yet. It will be a wood structure with a metal roof. Ms. Thomason asked if we had found out anything about A&R and what is going on over there. Every time I drive by there it is different. There is a different trailer are there is a trailer and truck on the weekends. Somebody is coming and going. Chief Maxwell stated he didn't have anything because that comes under Code Enforcement. Mr. Graham stated they are supposed to come to our office to find out what they are allowed to do. Ms. Thomason asked if we know who actually owns it. Mr. Graham stated, yes, we did know the owner and they just brought this stuff overnight. We have had Code Enforcement checking it out. They have not been to our office to do anything yet. Ms. Thomason stated it seems little by little there seems to be more stuff in there. Mr. Graham assured Ms. Thomason that Code Enforcement would get on this to stop it. Ms. Thomason stated the last thing I have to ask about is the demolition of the houses. Are we working on the next five houses? Mr. Kimbrough stated we have the next batch and I think it is five houses. Two of them we are having trouble with the record title and getting a clear title in order to be able to demolish those. We have to notify the title owners and we can't find a couple of them. Some of the properties are tied up in tax liens and the litigation there and the purchase of the property from the tax lien and getting the clear title to be able to make decisions with regard to that property. Ms. Thomason stated so it can happen. Mr. Kimbrough stated it can happen it will just take time to go through the legal process of clearing that title in order to having the right person served for those properties and the demolition of those properties. Ms. Thomason stated so we will do five and then five more. Mr. Kimbrough stated we will do as many as we can and the research and finding the people to get them served and file it and set it for a Court date. Ms. Thomason stated we are making progress. Ms. Thomason stated the last thing I have; is if we have businesses open up downtown what is our infrastructure as far as sewer and water and all that. I have lived in the City for thirty years and it is old and would the sewer and water have to be redone if we have people move in.

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Such as restaurants and all or we in good shape as far as that goes. Mr. Bowens stated we actually have the capacity for the existing buildings that are there. If there is any new construction that would be an issue we would have to research to make sure our capacity would stand that. But, currently right now with our water lines and sewer lines they are adequate for what the needs require now. Ms. Thomason stated, so if we start renting the buildings out we are o.k. Mr. Bowens stated this does not include the structure of the building itself. The infrastructure for the roadways is more than adequate. The older buildings there do need new plumbing and do need to be upgraded to meet the code requirements. Mr. Graham stated something that Mr. Bowens is working on now is the parking lot at Back Street Station. We are waiting for the roof to be installed before we resurface the parking lot. The hair salon down there by the Mayor's park we should start next week. We do have a tenant scheduled to move on January 2016. We are moving forward and hopefully we will get the roof on the building we will have the tenant to move in. Next year we will put some money into the Back Street Station and getting our downtown area really good. Mayor Jerkins asked if anyone else would like to speak. Ms. Anderson stated she would like to mention the September Cobb Municipal Association Meeting was held at Cobb Public Health and hosted by Lisa Crossman. It was extremely informative and as much as everybody heard about Ebola and that was very minimal compared to how many cases of tuberculosis we have had in Cobb County. I would urge everyone to be aware of that if you ever think you have been exposed to please get tested. There are quite a few cases just in Cobb County alone and again it was extremely informative. Also, I would like to mention if anyone is interested in the Nominating Committee and would like to be an Officer for 2016 please let me know. We would be more than happy to have you.

Mr. Clemons thanked Chief Maxwell and the Fire Department for the flowers on Ms. Reagan's chair in memory of her.

16. ADJOURN

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Anderson. Motion passed (5-0).