

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
CITY HALL BUILDING
MONDAY, NOVEMBER 7, 2022**

Present:

Mayor Ollie Clemons
Valerie Anderson
Melanie Elder
Devon Myrick
Sandra Leverette
Meredith Adams
Marlin Lamar

Also, present: Denise Lowe, Finance Director; Bo Garrison, Public Works Director; Brandon Merritt, Fire Chief; Scott Hamilton, Police Chief, Darrell Weaver, Community Affairs Director, Elizabeth Young, City Clerk and Scott Kimbrough, Attorney (virtual)

1. CALL TO ORDER

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

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 - \$7,507.50
- C. Approve Minutes of Regular Council Meeting October 3, 2022

Mrs. Anderson made a recommendation to approve the Consent Agenda. Seconded by Mrs. Leverette. Motion passed. (6-0)

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mr. Tim Adams came forward regarding the apology he requested on 10/3/2022 from Mrs. Valerie Anderson. Mr. Adams asked that a formal Ethics violation hearing is organized and acted. Mr. Adams further requested that the Mayor and Council issue a letter of Censor toward Valerie Anderson and a consideration on her fitness to serve. Mr. Adams expressed his concerns regarding the Police Patrol division being moved to the Threadmill Complex. Mr. Adams is concerned that patrol cars not being seen

downtown at the Police Department will increase crime. Chief Hamilton read the statistics of our Patrol Division & stated this was a positive change for the department.

Mr. Derek Caffé came forward regarding a new organization he has created called Create Austell. He stated this organization will help citizens have a point of contact in the city regarding housing, sustainability, arts & culture.

6. GAS SYSTEM REPRESENTATIVE

OLLIE CLEMONS, MAYOR

Mr. Kimbrough stated that it has been a good year so far. There has been a rate decrease & they are getting ready for winter. Rob Register is retiring at the end of the year and the Austell Gas Company has named Mr. Justin Isbill as the new General Manager.

7. FINANCE DEPARTMENT

VALERIE ANDERSON, CHAIRPERSON

Denise Lowe, Finance Director

A. Financial Report

B. 2021-22 Budget Revisions

The purpose is to adjust budget amounts to reflect increased fuel costs for fiscal year 2021-22. In accordance with OCGA 36-81-2 “Any increase in appropriation at the legal level of control of the local government, whether accomplished through a change in anticipated revenues in any fund or through a transfer of appropriations among departments, shall require the approval of the governing authority.” See attached detailed budget revisions needed in order to comply with OCGA 36-81-2. It is the recommendation of the Finance Committee to approve the above budget revisions for the 2021-22 Fiscal Year.

Mrs. Anderson made a motion to approve the 2021-22 budget revisions. Seconded by Mr. Lamar. Motion passed. (6-0)

C. 2022-23 Budget Revisions

The purpose is to adjust budget amounts showing consolidation of two public safety departments. To depict the primary function of the Austell Police Department the Finance Department would like to consolidate the “Detention of Prisoners” department into, the “Police Administration and Patrol” department for budgeting purposes. Please see attached budget amendments to reflect this change.

It is the recommendation of the Finance Committee to approve the attached budget revisions for the 2022-23 Fiscal Year.

Mrs. Anderson made a motion to approve the 2022-23 budget revisions. Seconded by Mr. Myrick. Motion passed. (6-0)

D. Lease/Purchase of 26 New Police Vehicles

The purpose is to approve purchase of 26 police vehicles through a lease/purchase agreement with Ford Motor Credit. The Police department would like to move forward with the purchase and replacement of its fleet. Police Chief Hamilton has researched and found that Wade Ford, Inc. was the only dealer (source) in our area that could accommodate our request for (20) patrol SUV's; (2) F150 K9 Trucks; and (3) Administration SUV's. Also included is the Police Chiefs Ford F150 previously approved. Over the past few weeks, the city received the attached quotes. Due to the inventory shortage, Wade Ford, Inc is dividing the quotes between purchases of 2022 and 2023 models in the amount of \$117,600.45 (#5465003) and \$221,284.64 (#5465004) per year respectively. The attached quotes do not include any of the trade-in values of our current inventory and will be funded by SPLOST funds, trade-in proceeds, and General Fund revenues going forward, beginning in the 2023-24 fiscal year. The 2022 vehicles are estimated to be delivered in December 2022 and the 2023 vehicles are estimated to be delivered March 2023.

It is the recommendation of the Finance Committee to approve the attached financing quotes #5465003 and #5465004 based on Chief Hamilton's findings and recommendations.

Mrs. Anderson made a motion to approve the lease/purchase of 26 police vehicles. Seconded by Mr. Myrick. Motion passed. (6-0)

8. GENERAL ADMINISTRATION

MELANIE ELDER, CHAIRPERSON

Elizabeth Young, Director

A. New Solicitors for Court Services

We would like to show our appreciation to LeAnn MacDougall for 16 years of service as Lead Solicitor for the City of Austell Municipal Court. LeAnn will retire from the Cobb County Solicitor General's Office at the end of the year and plans to continue her career with The Paulding County Juvenile Court System.

As Ms. MacDougall prepares for retirement, Tom Campbell, who has served as Associate Solicitor for the City of Austell for 16 years, will transition into Lead Solicitor. Tom also works with Cobb County Solicitor General's Office.

We would like to welcome Richele Powell Anderson and Rachel Bearman Plevak as Associate Solicitors to assist Mr. Campbell as needed (attached resumes).

Both Richele and Rachel currently work with the Cobb County Solicitor General's Office.

Michael Syrop, our current Public Defender, has taken a position with the Circuit Defenders Office, effective immediately.

Christopher Lanning, who has been an Associate Solicitor for the last 4 years, will go into private practice *and* will continue his service to the City of Austell as our Public Defender.

Reid Michael Kennedy will assist Mr. Lanning when a scheduling conflict arises, and Mr. Lanning cannot be present.

Ms. Elder made a recommendation to approve the new solicitors for Court Services. Seconded by Mrs. Leverette. Motion passed. (6-0)

B. Personnel Policy

The personnel policy committee has met throughout the year to revise our current policy. This is a task that must be reviewed every 2-3 years. Revisions have been made throughout the entire policy based on the committee's decisions.

Ms. Elder made a recommendation to table this request until further information is provided. Seconded by Mrs. Anderson. Motion passed. (6-0)

C. City Manager/Administrator Position (Information Only)

The General Administration Committee recently met to discuss a City Manager/Administrator position. Kiona Warren has done research to discuss with Mayor & Council.

D. Human Resources Contract Labor (Information Only)

The General Administration Committee recently met to discuss the need to hire contract labor to help assist with the human resources functions. Kiona Warren has done research to discuss with Mayor & Council.

Council decided the General Administration Committee should meet again to determine the best course of action for items C & D and bring it back to Mayor & council to be voted on.

9. POLICE DEPARTMENT

DEVON MYRICK, CHAIRPERSON

Scott Hamilton, Police Chief

A. Police Report

B. Retirement of K9 Sophia

Chief Hamilton is requesting the retirement of K9 Sophia. After reviewing the police department's operations, organizational structure, budget, and staffing required to service the city of Austell, he has determined the K9 unit should be downsized to two dogs. Austell's city population does not require three K9 officers for efficient operations.

Chief Hamilton is requesting for K9 Sophia to be retired and remain in possession of her handler, Officer LaChristopher Hebert.

Mr. Myrick made a recommendation to approve the retirement of K9 Sophia. Seconded by Mrs. Anderson. Motion passed. (6-0)

C. Jail – Suspension of Usage & Operations

The Austell Police Department currently operates a processing center for temporarily holding detainees (jail). Arrestees are held in our holding facility until released on bond or transferred to another facility designed for extended confinement. The police department's organizational structure currently has three jailers and one supervisor position assigned to the jail. The approved budget 2022-2023 budget for the jail is **\$548,620.00**. After a thorough assessment of the police department's organizational structure, operations, staffing, and budget, it has been determined that jail is impeding the progress of the organization's operations and should be discontinued. It also increases liabilities for in-custody deaths. The administration has evaluated the following areas:

- A. Staffing/Operations**
- B. Budget/Expenditures/Revenue**
- C. Alternative Detention Facilities**
- D. Police Antiquated Equipment Replacement**

Staffing & Operations (See attached Item No. 1A and No. 1B)

The police department's uniform patrol division is currently staffed with one Lieutenant, four sergeants, and eleven officers. The police department has identified staffing needs in other areas of the department. Chief Hamilton plans to utilize the jail positions to provide our organization with more fluid and efficient operations. The jail positions will be transferred to the following areas:

- Jail Supervisor → Uniform Patrol Division Lieutenant
 - The Uniform Patrol Division Lieutenant will provide an additional mid-level manager to the division. Patrol Lieutenants are responsible for managing the division's day-to-day operations, meeting administrative needs, and maintaining the checks and balances of patrol operations. Solid checks and balance systems ensure officers' performance, and duties comply with the city and department policies and state and federal laws. They are also instrumental in the professional development and training of their staff.
- Jailer → Criminal Investigations Unit Detective

- The Criminal Investigations Unit is currently staffed with one Lieutenant, sergeant, and detective. Due to the personnel shortage, they are limited to the number of criminal cases that can be investigated thoroughly. This shortage limits the unit's ability to expand training in specialized areas, such as homicides, fraud, and sexual assaults. Complex criminal cases require more investigative time and resources.
- Jailer → Uniform Patrol Division Officer
 - We seek to transfer two jail officer positions to the Uniform Patrol Division. The staffing operations do not allow maximum performance and patrol coverage of the city. The shortage also hinders officers from using their vacation time; we know vacation time contributes to resilient mental health and nourishes family/home life. It also minimizes training available for the staff, limits opportunities to engage with the Austell community, and presents a higher risk for safety.

Budget/Expenditures/Revenue (See attached Item No. 2)

Over the last four years, the jail has received a yearly budget ranging from \$397,614.00 to \$548,620.00. Each year the jail has exceeded the overtime allotment up to 35%. The costliest areas have been salaries, overtime, repairs/maintenance, and supplies. The only revenue generated is jail bonds. The most we have received in bonds since 2018 is \$46,866.00 in a fiscal year; this pales in comparison to the \$548,620.00 budget needed to maintain this facility. Transferring these finances to police administration would benefit the department's overall operations more.

Alternative Detention Facilities

Austell Police Department currently utilizes Cobb County Jail to house detainees who require confinement that exceeds four hours and are arrested on state charges. The city must pay ten percent of its collected fines to Cobb County Jail; this has given the city a surplus balance with Cobb County of \$25,299.59. The cost to house Austell Police Department's prisoners is being paid from the surplus balance. A secondary detention facility option the administration will be assessing is the Smyrna Police Jail. Currently, other surrounding municipalities are utilizing the Smyrna Jail facility for detention.

The administration reviewed the Austell Police Department's jail arrest stats for the last four years. They found a significant number of arrests for traffic charges and minor ordinance violations that Austell PD can begin releasing violators on a copy of charges. Implementing this adjustment would decrease the number of people requiring detention and ultimately provide better management of costs. In addition, it will reduce the time officers spend processing an arrest and increase the time police provide coverage for the city. These adjustments will also prevent the excessive

punishment of minor crimes and infractions that can disproportionately affect communities, especially financially.

Police Antiquated Equipment Replacement

The Austell Police Department has equipment that is ineffective in its operations. We have identified that the current patrol laptops require an upgrade to a higher-performing computer that is more durable for road activity. The patrol body cameras only hold a charge for up to 3 hours, and the server is outdated as well as the in-car cameras. Also, the department radio batteries and shoulder mics need to be replaced, and additional radios will need to be purchased to assign to future employees.

Based on the above findings, Chief Hamilton is requesting the suspension of the jail usage and operations.

Mr. Myrick made a recommendation to approve the Jail suspension of usage & operations. Seconded by Mrs. Leverette. Motion passed. (6-0)

10. FIRE DEPARTMENT

MARLIN LAMAR, CHAIRPERSON

Brandon Merritt, Fire Chief

A. Fire Report

11. PUBLIC WORKS DEPARTMENT

SANDRA LEVERETTE, CHAIRPERSON

Bo Garrison, Director

A. Stream Buffer Reduction

It is the recommendation of the Public Works Department to accept and approve Stream Buffer Reduction Variance requested by Habitat for Humanity.

Habitat criteria includes provisions for a shed provided to Habitat homeowners that will allow for storage of Landscape/Gardening tools for lawn maintenance and beautification. Due to size and configuration of the site, the 8-foot by 8-foot shed will be located outside the 25-foot State Stream Buffer, but it will still be within the 50-foot City Stream Buffer. As stipulated by Article VII, Stream Buffer Protection Ordinance, Section 5-95.2, a site map is attached to this request indicating the proposed shed location relative to the stream buffer and the residence.

The property in the proposed location is currently covered with Bermuda sod grass that has a gentle slope to the West, thereby requiring the shed to be blocked for leveling purposes. The area to be affected is limited to the 8-foot by 8-foot outline of the storage shed or 64 square feet.

No mitigation plan is included with this Variance request since it is anticipated that there will be no impact caused by the intrusion to the flow of rainwater in the yard of this residence.

Mrs. Leverette made a motion to approve the Stream Buffer Reduction. Seconded by Mr. Myrick. Motion passed. (6-0)

B. Solid Waste & Recycling Services Price Change (Information Only)

As costs continue to rise for the processing of recyclable materials, solid waste disposal, equipment, insurances, vehicle operating and maintenance expenses, Waste Pro will be increasing the monthly disposal rate for City of Austell customers. The City of Austell has made every attempt to avoid an increase, however, the escalating costs from Waste Pro's partners and supply chains have created an undue hardship that can no longer be absorbed without passing them on to their customers. Purple Bags for extra garbage/recycle will be discontinued in addition to the rate increases. Customers are encouraged to order extra carts for any extra garbage/recycle that may be accumulated. **These new rates will begin effective January 1, 2023 and will be reflected in your February 2023 bill.** A letter explain further will be included in the water bill next month.

12. PARKS DEPARTMENT

MEREDITH ADAMS, CHAIRPERSON

Darrell Weaver, Director

A. Threadmill Roof (Information Only)

The roof supplies have been delivered and construction has started beginning at the POST roof portion. This project will continue through the rest of this year and should be finished in the early part of January 2023.

B. Veterans Memorial Park Update (Information Only)

The Veterans Memorial Park project is moving forward. The concrete has been poured for the sidewalks and the parking lot paving is next. The landscape portion is also underway. We are pushing forward to be completed in time for our Veterans Day Celebration.

13. COMMUNITY AFFAIRS

VALERIE ANDERSON, CHAIRPERSON

Darrell Weaver, Director

A. Code Enforcement Report

B. Special Land Use Permit

Application 2022-01SLUP: by Hare Krishna Austell, LLC for a Special Land Use Permit to allow for the continued use of an extended stay hotel/motel located at 1968

Veterans Memorial Highway (Tax ID #19130300020). The property is currently zoned GC, general commercial. The full staff report and supporting documents are attached.

Mrs. Anderson made a motion to table the Special Land Use Permit due to the applicant being on travel. Seconded by Mrs. Leverette. Motion passed. (6-0)

- C. Rezone & Annexation Request – Unaddressed Property on Maxham Road
Application 2022-22R & 2022-23A: by the City of Austell on behalf of Cobb County to rezone and annex approximately 0.331 acres on Maxham Road (unaddressed parcel ID#18025800390) from R-20 (residential) to GC (general commercial). There is no change in use for the parcel. The full staff report and supporting documents are attached. Mr. Kimbrough opened this as a rezoning public hearing & asked if there was anyone present to speak on this request. Mrs. Christine Dobbs came forward & Mr. Kimbrough swore her in. Mrs. Dobbs stated this is an island containing a utility shaft that we need to close & we have been working with Cobb County (owner) of said property.

Mrs. Anderson made a recommendation to close the rezoning public hearing. Seconded by Mr. Lamar. Motion passed. (6-0)

Mr. Kimbrough opened this as an annexation public hearing. Mrs. Dobbs stated the island needs to be closed at said property.

Mrs. Anderson made a recommendation to close the annexation public hearing. Seconded by Mr. Myrick. Motion passed. (6-0)

Mrs. Anderson made a recommendation to approve the rezoning. Seconded by Mrs. Leverette. Motion passed. (6-0)

Mrs. Anderson made a recommendation to approve the annexation. Seconded by Mr. Myrick. Motion passed. (6-0)

- D. Adoption of the 2022 Comp Plan Update
After completing the public engagement process and receiving approval from the Georgia Department of Community Affairs, Staff is recommending the adoption of the city's 2022 Comprehensive Plan Update.

Mrs. Anderson made motion to approve adoption of the 2022 Comp Plan Update. Seconded by Mr. Myrick. Motion passed. (6-0)

E. Appointment of Variance & Zoning Board of Appeals

It is the recommendation of the Community Affairs Department to appoint Marla Miller to the Board of Variance and Zoning Appeals for a two-year term expiring July 31, 2024.

Mrs. Anderson made a motion to approve the Appointment of Variance & Zoning Board of Appeals. Seconded by Mr. Lamar. Motion passed. (6-0)

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. A.A.C.I.C. Request for Funds

Attached is the A.A.C.I.C. request for funds from our annual committee meeting.

Mrs. Anderson made a recommendation to approve the A.A.C.I.C. request for funds. Seconded by Mr. Myrick. Motion passed. (6-0)

16. ADJOURN

Mr. Myrick made a recommendation to adjourn the meeting. Seconded by Mrs. Adams. Motion passed. (6-0)

Ollie Clemens Jr.
Mayor
12.7.2022
Date

Ethel Adams
Attest