

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, FEBRUARY 5, 2018**

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

Absent: Elizabeth Young  
Bob Starrett  
Scott Kimbrough

Also present were: Hylton Dupree, City Attorney; Denise Soesbee, Finance Director; Randy Bowens, Public Works Director; Jim Graham, Community Development Director; and Pat Maxwell, Fire Chief.

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order and Pastor Tim Ridgeway gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

**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 \$1,280.00
- C. Approve Minutes of Regular Council Meeting January 8, 2018

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

**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Tim Ridgeway, former Pastor of Austell First Baptist Church, said the church has just gone through a merge with Woodstock Baptist Church and he introduced the new Pastor, J.J. Washington.

A lady representing her parents that lives on Bowden Street in Austell asked to speak. Back in 2016 there was some road work that was done, sidewalks added and her parents

driveway was affected by that. Over the last year they were advised that it would be corrected and fixed once the roads were paved. That has not happened yet. Her parents have been calling over the last year and cannot get a response on when the driveway will be repaired. It is hard for anyone to get in and out of the driveway. Her parents want to know who they need to speak with to get this corrected and when it will be corrected. Randy Bowens is going to be handling this. Randy spoke with the homeowner; he went out and looked at the driveway with the owner, the contractor and Bo Garrison. The contractors had been working on the sidewalks and Randy explained to him that they had to finish that first. Then they would have to demo the existing driveway and repour it. Randy reassured him they had not forgotten him. The contractors are finishing up on Miller Road and will be out there before the end of the week. He will give a date when he will be coming to repair the driveway. Randy informed the homeowner he would have to find another place to park until the driveway is completed. The homeowner is fine with doing that.

A lady by the name of Nicole that lives in Powder Springs asked to speak. She is the manager of Vinings Library. She is taking over some responsibilities over Sweetwater. She wanted to bring to our attention there is an article in the Atlanta Journal Constitution about libraries that are closing and Sweetwater is on that list. She wanted to make the community aware of this and that she will be working in Sweetwater when she can to try and make the community excited to keep this library open.

## **6. GAS SYSTEM REPRESENTATIVE**

### **JOE JERKINS**

The Mayor stated it has been cold and they are selling gas which is good for us.

## **7. FINANCE REPORT**

### **OLLIE CLEMONS, CHAIRPERSON**

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

#### A. Financial Report

#### B. 2016-2017 Presentation of the Comprehensive Audit Financial Report

The presentation was given by the City's auditor, Mr. James Whitaker. We have completed the audit for the year ending June 30, 2017. We have issued an unmodified opinion on the financial statements which is a clean opinion that means the City's financial statements are prepared in accordance with generally accepted accounting principles for governments. Mr. Whitaker asked to go over the general funds results on the audit. The general fund had total assets of \$6,571,000 dollars at the end of the year, liabilities of \$1,971,000 and deferred revenue or inflows at \$360,000. That left the city with a fund balance or reserves at \$4,240,000 at the end of the year. That is a 63.4% reserve and that is good for a city this size. We normally try to strive for is a 25% reserve so we are ahead of the game. Overall the city's reserves amounted to \$11,004,000. \$1,286,000 of that is restricted for capital assets mainly from the SPLOST fund. \$5,232,000 is

restricted for community enhancements. The next item is the statement of revenues expenditures and changes and fund balance. The general fund had total revenues of \$7,331,000 for the year, total expenditures of \$6,688,000 which left excess revenues over expenditures of \$642,000 dollars. You had other financing sources most of which were transfers of \$548,000 dollars which brought the net change in fund balance down to \$236,000 dollars, positive change and fund balance for the general fund for the year. Of the \$7,331,000 in total revenues, \$4,502,000 was from gas franchise fees, which is 61.4% of total revenues. Overall the city had \$9,488,000 in total revenues for the year, \$9,555,000 in total expenditures which resulted in a net loss of \$67,000 for the year. Until you take in other financing sources of \$375,000 and that brought the total loss down to \$443,000 for the year. Most of that is where you receive SPLOST monies in the past and are currently using what you had received in the past in the current year. The next one is the statement of revenues and expenditures changes and fund balance, compared to the budget and for the year the final budget approved by the Mayor and Council of \$6,918,000 in total revenues, the actual amount was \$7,331,000 so that was a positive and \$412,000 for the year. Your total expenditures budgeted was \$7,009,000, you had 6,688,000 in actual expenditures which is a \$320,000 positive variance. So overall the city did very good for the year in its general fund.

## **8. GENERAL ADMINISTRATION**

**SANDRA LEVERETTE, CHAIRPERSON**

**Elizabeth Young, Director**

### **A. Approval of Associate Judge**

Ms. Leverette stated, as you know, the Judge is appointed by the Mayor and Council and anyone who serves as an Associate Judge must also be approved by the Mayor and Council. We have been informed by Judge David Darden that one of our Associate Judges will no longer be available to serve the City Court. He has recommended the appointment of Nathan Wade to fill the position. We recommend that the Mayor and Council follow Judge Darden's counsel in this matter.

*Ms. Leverette moved to follow the recommendation of Judge Darden to approve Nathan Wade as an Associate Judge. Seconded by Mr. Thomas. Motion passed (6-0).*

### **B. Approval of Associate Solicitor**

Ms. Leverette stated, as you know, the Solicitor is appointed by the Mayor and Council and anyone who serves as an Associate Solicitor must also be approved by the Mayor and Council. We have been informed by Solicitor Leann MacDougall that one of our Associate Solicitors will no longer be available to serve the City Court. She has recommended the appointment of Christopher S. Lanning to fill the position. We recommend that the Mayor and Council follow Ms. MacDougall's counsel in this matter.

*Ms. Leverette moved to follow the recommendation of Solicitor Ms. MacDougall to approve Christopher S. Lanning as an Associate Solicitor. Seconded by Mr. Green. Motion passed (6-0).*

**9. POLICE DEPARTMENT**

**RANDY GREEN, CHAIRPERSON**  
**Bob Starrett, Police Chief**

A. Police Report

**10. FIRE DEPARTMENT**

**MARLIN LAMAR, CHAIRPERSON**  
**Pat Maxwell, Fire Chief**

A. Fire Report

B. End of the Year Report

**11. PUBLIC WORKS DEPARTMENT**

**VALERIE ANDERSON, CHAIRPERSON**  
**Randy Bowens, Director**

A. No Report

**12. PARKS DEPARTMENT**

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

A. No Report

**13. COMMUNITY AFFAIRS**

**OLLIE CLEMONS, CHAIRPERSON**  
**Jim Graham, Director**

A. Code Enforcement Report

B. CDBG Change of Scope and Plan

Mr. Clemons stated the reason for this is because no one took advantage of the original CDBG grants that we got for the Façade grant. We got approval to use the funds, so it is the recommendation of the Community Affairs Department that Mayor and Council in notification to Cobb County CDBG Program to formally change the scope and plan of the 2015, 2016, and 2017

funds totaling \$72,401.61 from the Façade Improvement Grant Program to the Community Center Renovation at Legion Park.

*Mr. Clemons made a motion to approve recommendation of the CDBG Program. Mr. Thomas seconded. Motion passed (6-0).*

C. Special Land Use Permit Epic Towing/1950 Royal Industrial Blvd.

Mr. Clemons stated the Department of Community Affairs has received a request from Epic Towing LLC, for a Special Land Use Permit (SLUP) located at 1950 Royal Industrial Blvd., in LL 1303, parcel 16 of the 19<sup>th</sup> district, 2<sup>nd</sup> section of Cobb County. Mr. Clemons turned the meeting over to our City Attorney, Hylton Dupree to open a public hearing on the matter. Mr. Dupree asked if the applicant was present & to state his name. Mr. Tahjmar Russell came forward and stated his name. Mr. Russell is seeking permission to operate roadside assistants and trying to follow the same guidelines that were previously given to the owner of the property. Jim Graham spoke and said they had approved this a couple of years ago for another company to pull for AAA. Mr. Graham stated Mr. Russell agreed under the same stipulations that they can have no more than 3 vehicles over 3 days, if it's on a weekend or holiday before they tow it to the garage or dealership. We felt like that was not impacting our area over there and also the Planning and Zoning voted unanimously to approve this. The Mayor asked if anyone signed up opposing it and there was no one. Mr. Clemons stated it's the same minimum requirements and stipulations that were previously approved for the property to be used to operate towing service only, no impounded tow or confiscated vehicles shall be allowed on the lot at any time. The only equipment allowed to be parked on the lot is that which is used by Epic Towing and its day to day operations as a towing service and repairs of trucks will not be allowed on the property.

*Ollie Clemons made a motion to close the public hearing. Scott Thomas seconded. Motion carried unanimously (6-0).*

Mr. Clemons spoke, as Mr. Graham stated the Planning and Zoning Board voted 6-0 in favor of the proposed Special Land Use Permit and it is the recommendation of the Community Affairs Department to approve the request of the Special Land Use Permit.

*Ollie Clemons made a motion to approve the SLUP. Scott Thomas seconded. Motion carried unanimously (6-0).*

D. Planning and Zoning Appointment

Mr. Clemons stated a vacancy came after Councilman Lamar was elected to the council and he was serving under Planning and Zoning Board. We have a recommendation from Councilman Lamar to fulfill that wards need to have someone on the Planning and Zoning Board. It is the recommendation of the

Community Affairs Department to appoint Scott Gresham for the remaining two year Planning and Zoning Board term expiring May 31, 2019; recently vacated by Marlin Lamar.

*Ollie Clemons made a motion to approve Scott Gresham. Seconded by Sandra Leverette. Motion carried unanimously (6-0).*

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

A. No Report

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

A. CMA MEETING	February 13, 2018
TIME:	6:30 P.M.
LOCATION:	City of Marietta

B. Approval of City Clerk Position

Mayor Jerkins stated on Monday, January 29, 2018 Karen Fricke resigned as City Clerk from Austell. It is my recommendation to approve Elizabeth Young as the new City Clerk to become effective on Tuesday, February 6, 2018. Elizabeth has been the Assistant Director in General Administration since July 2016 and has been with the city since July 2010. I feel confident that she will continue to be a great asset in her new role as City Clerk.

*Randy Green made a motion to approve Elizabeth Young as City Clerk. Marlin Lamar seconded. Motion carried unanimously (6-0).*

C. Approval of Public Works Director

Mayor Jerkins stated on Wednesday, February 28, 2018, Randy Bowens will officially retire from the City of Austell. It is my recommendation to approve Tommy (Bo) Garrison as the new Public Works Director to become effective March 1, 2018. Bo has been the Assistant Public Works Director for the past 18 years. I feel confident that he will continue to be a great asset in his new role as Public Works Director.

*Randy Green made a motion to approve Bo Garrison as Public Works Director. Scott Thomas seconded. Motion carried unanimously (6-0).*

## **16. ADJOURN**

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