

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, FEBRUARY 6, 2017**

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

Absent: Randy Bowens
Bob Starrett

The regular meeting of the Mayor and Council was held on Monday, February 6, 2017 at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Sandra Farmer, City Clerk; Elizabeth Young, Assistant Director; General Administration; Denise Soesbee, Finance Director; Jim Graham, Community Development Director; and Pat Maxwell, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order and Mr. Ollie Clemons gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins asked if anyone had any items to add to the Agenda. Ms. Valerie Anderson stated she would like to add Item 13B. – Vacant Position on Planning and Zoning Board.

Ms. Kirsten Anderson moved to follow the recommendation of Mayor Jerkins to add Item 13B. – Vacant Position on Planning and Zoning Board. Seconded by Ms. Sandra Leverette. 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 \$3,547.50
- C. Approve Minutes of Regular Council Meeting January 9, 2017

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Monica Delancy introduced herself and stated she was involved in We Thrive to Survive Program on Six Flags Drive and it is a renter's association. We have been formalized for four (4) years now. Basically, we have formalized to help and partnership with the Apartment Complexes in the area.

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We advocate for the tenants and make sure they know what their rights are and be part of the community. The Six Flags area are renters and they are the majority. Renter's pay more monthly for shelter cost than a homeowner will pay. Also renter's pay fifty percent of their income on their rent. The reality of it is, rent is going up. Also, what is affecting the Riverside area will affect other parts of Cobb County. Such as Mableton, Powder Springs, Austell and Smyrna. The older the homes are they are more than likely to be rented. Some of the solution would be to partner up with different organizations. We will be posting a housing summit and some of the focal points will be how to clear a path to home ownership. If people know their options in purchasing a home they will be more viable partners in the community. Also, a more stabilized community for having more affordable housing. So if someone is taking part in the housing summit and also workshops on budgeting and financial planning would help as well. As we look at our schools, such as South Cobb, Austell Elementary School, and even Clarkdale. Also, Garrett Middle School. You have a greater percentage of renters. Most of our community will be transit. You cannot stabilize a community if they are transit. I also wanted to relay that February is Black History month. Our schools will be having Black History plays and Black History observation. If you can please call the schools and find out what day they will be having these events. This week is also School Counselor Week. Clarkdale Elementary School will be hosting a Father/Daughter dance this Friday, February 10, 2017. Pebblebrook High School will be hosting an SPLOST Meeting on February 16, 2017 at 6 P.M. at Pebblebrook High School.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting as well as Mr. Ollie Clemons and Ms. Valerie Anderson. Mr. Kimbrough stated we had a good cold December. As I talked about last week we were up over 3000 MMBTU's from the year before. In January we gave it all right back because of a warm January. The past week or so it has been cold and warm and warm and cold. We are hoping it will remain a little bit colder from where we were last year. Gas prices are pretty stable and have been for a little over a year now. The meeting handled everything because we did not have a meeting in December. The Gas System is in good shape. We are just keeping our fingers crossed to hope we get cold weather for the next two months and get the revenues back up.

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

A. Financial Report

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**8. GENERAL ADMINISTRATION
SANDRA LEVERETTE, CHAIRPERSON
Sandy Farmer, City Clerk**

- A. No Report

**9. POLICE DEPARTMENT
OLLIE CLEMONS, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
B. Code Enforcement Report
C. South Cobb Diner – Alcohol Beverage License

Mr. Ollie Clemons stated Mr. Chad Martin, of the South Cobb Diner has applied for an alcohol permit. A background, and fingerprints were submitted, and nothing on his history suggest that he would not be eligible for a permit.

Mr. Ollie Clemons moved to follow the recommendation of the Police Committee to approve the South Cobb Diner Alcohol Beverage License. Seconded Mr. Thomas. Motion passed (6-0).

**10. FIRE DEPARTMENT
RANDY GREEN, CHAIRPERSON
Pat Maxwell, Fire Chief**

- A. Fire Report
B. Year End Report

**11. PUBLIC WORKS DEPARTMENT
KIRSTEN ANDERSON, CHAIRPERSON
Randy Bowens, Director**

- A. No Report

**12. PARKS DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director**

- A. No Report

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13. COMMUNITY DEVELOPMENT

VALERIE ANDERSON, CHAIRPERSON

Jim Graham, Director

A. Rezoning/Annexation – Austell Road, LL 1214, Parcel 51, 15, 50, of the 19th District, 2nd Section of Cobb County from NS to PSC.

Ms. Valerie Anderson stated the Department Affairs has received a request from Montecito Developments, LLC. To rezone the property located on Austell Road, in LL 1214, parcel 51, 15, of the 19th District, 2nd Section of Cobb County from NS to PSC and to annex into the City of Austell for the purpose of a convenient store.

The Planning and Zoning Commission voted to recommend the Mayor and Council approve the application from Montecito Developments, LLC on January 17, 2017, and (7-0). At this time I would like to turn this over to our City Attorney, Mr. Scott Kimbrough stated we will have two (2) Public Hearings. One for rezoning and one for annexation.

Mr. Kimbrough stated at this time I would like to call for a Public hearing for the request for the rezoning the property located on Austell Road, in LL 1214, parcel 51, 15, 50 of the 19th District, 2nd Section of Cobb County from NS to PSC and to annex into the City of Austell for the purpose of a convenient store. Mr. Kimbrough asked if anyone was present to speak on behalf of Montecito Development LLC. Mr. Kimbrough swore in Mr. Galloway.

Mr. Woody Galloway introduced himself and stated he was here on behalf of Galloway Law Firm representing the applicant, Montecito Developments, LLC. They are requesting the rezoning and annexation of the property mentioned. This is to bring in approximately three (3) acres of land at 5141 Austell Road. The property as was stated earlier the request is to bring in the property from NS to PSC. This would allow the development for the Circle K convenient store as well as a Quick-Serve restaurant to be located on the property. I have some drawings I would like to pass out of the new elevation to the Mayor and Council. The buildings on the property are currently run down and boarded up. We would like new rejuvenation and new development to that area to occur and a traffic light that will provide access to Austell Road. As was indicated Cobb County issued a letter of no objection to the annexation and Planning and Zoning Board voted in favor of the rezoning.

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I will be glad to answer any questions you may have regarding the proposal. Ms. Valerie Anderson asked what will be the hours of operation. Mr. Galloway stated right now my developer and or client is not here but the normal operation hours would be seven to ten (7:00 A.M. – 10:00 P.M.). I don't believe at the moment they would be overnight but that could change. Ms. Anderson asked where would the entrance be, would they enter from the side street or Austell Road. Mr. Galloway stated our plan is to have entrance on both. We need to be able to access the light in order to turn left onto Austell Road. Ms. Anderson asked would there be a turning lane put there. Mr. Galloway stated he didn't think it would warrant a turning lane there because of the amount of trucks. If this is something of a problem we would be glad to look into it. Ms. Anderson stated that is all the questions I have. Mr. Kimbrough asked if anyone had any more questions of Mr. Galloway. Mr. Green asked if there were any plans to tie this in with the parking lot at the shopping center. Mr. Galloway stated no, there is an older building there that would block that. Again, the developer is very willing to work with City of Austell and to do it with a way that makes sense. One of the things that didn't come up this property is very deep and there is no plan to develop the rear portion. The back of the property will remain in green space. Mr. Kimbrough asked if anyone had any more questions of Mr. Galloway. Ms. Sharon Woodgett stated she lived in the sub-division right next to the site. Mayor Jerkins asked if Ms. Woodgett had signed up for opposition. Mr. Graham stated no one has signed up to speak on this matter. Mr. Kimbrough stated technically, you will not be able to speak on this matter because you did not sign up to speak in opposition. Ms. Woodgett stated she was late in arriving for the meeting. Mr. Kimbrough asked if anyone had any more questions. No one did. Having heard none I entertain a motion to close the Public Hearing.

Mr. Thomas moved to follow the recommendation of Mr. Kimbrough to close the Public Hearing. Seconded by Mr. Clemons. Motion closed (6-0).

Mr. Thomas moved to follow the recommendation of Mr. Kimbrough to approve the Rezoning of Austell Road, LL 1214,, Parcel 51,15,50, of the 19th District, 2nd Section of Cobb County from NS to PSC. Seconded by Ms. Valerie Anderson. Motion passed (6-0).

Mr. Kimbrough stated at this time I would like to call for a Public Hearing to Annex the property by a request from Montecito, LLC to annex Austell Road, in LL 1214, parcel 51,15,50 of the 19th District, 2nd Section of Cobb County from NS to PSC for a purpose of a convenient store. Mr. Kimbrough asked any there was any questions for Mr. Galloway. No questions were asked.

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Mr. Galloway stated no sir, this portion is to annex the property. We are just asking to be allowed to come into the City of Austell to develop this property. Mr. Kimbrough asked if anyone had any questions of Mr. Galloway on the matter of annexing the property into City of Austell. No one spoke and no one signed up in opposition to speak.

Mr. Ollie Clemons moved to follow the recommendation of Mr. Kimbrough to close the Public Hearing. Seconded by Ms. Kirsten Anderson. Motion passed (6-0).

Mr. Thomas moved to follow the recommendation of Mr. Kimbrough to approve the annexation for the property located at Austell Road, LL 1214, Parcel 51, 15, 50, of the 19th District, 2nd Section of Cobb County from NS to PSC. Seconded by Ms. Valerie Anderson. Motion passed (6-0).

B. Vacant position on Planning and Zoning Board

Ms. Valerie Anderson stated the Department of Community Affairs has requested to fill the vacated position of Melissa Demelo on Planning and Zoning Board with Marlin Lamar.

Ms. Valerie Anderson moved to follow the recommendation to approve the Vacant position on Planning and Zoning Board with Marlin Lamar. Seconded by Ms. Kirsten Anderson. Motion passed (6-0).

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING
TIME:
LOCATION:

FEBRUARY 21, 2017
6:30 P.M.
MARIETTA CITY HALL

B. Title Ad Valorem Tax (TAVT) Distribution Agreement

Mayor Jerkins stated this is an agreement with all six cities and the school systems in Cobb County. We need a motion to approve this item.

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Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Title Ad Valorem Tax (TAVT) Distribution Agreement. Seconded by Mr. Ollie Clemons. Motion passed (6-0).

C. Property Donated by Mary Jo Maynard

Mayor Jerkins stated this is the property at the corner of Perkerson Mill and Fessenden Drive. Mrs. Maynard would like to donate this property to the City of Austell. It is two lots that joins where she lives. I have turned this over to our Real Estate Attorney to run the titles and prepare the deed. We need a motion to accept and approve the property donated.

Ms. Kirsten Anderson moved to follow the recommendation to approve the property donated by Mary Jo Maynard. Seconded by Ms. Valerie Anderson. Motion passed (6-0).

16. ADJOURN

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