

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, FEBRUARY 6, 2012**

Present: Mayor Joe Jerkins  
Kirsten Anderson  
Trudie Causey  
Virginia Reagan  
Martin Standard  
Scott Thomas  
Suzanne Thomason

The regular meeting of the Mayor and City Council was held on Monday, February 6, 2012 at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief and Tim Williams, Fire Chief.

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order. Pastor John R. Bailey, Gospel Nation Christian Fellowship Church gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked the Council if anyone had any items to add to the Agenda. Mr. Thomas stated he would like to add 12A. Legion Park Equipment Purchase. Mr. Bowens stated he would like to add 11A. – Stormwater Budget.

*Ms. Anderson moved to follow the recommendation to approve the added Agenda Items. Seconded by Ms. Causey. Motion passed (6-0).*

**2. CONSENT AGENDA – INFORMATION AND UPDATE**

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

**3. CONSENT AGENDA**

- A. Approve Bills
- B. Approve Legal Bills \$962.50
- C. Approve Minutes of Regular Council Meeting January 9, 2012

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

**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

Mr. James Spencer stated his name and stated he lived at 2589 Sloan Street in Austell, GA. I will be brief but I would like to say a few words tonight.

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I would like to offer some commendations as well as some disappointments and complaints. Code Enforcement in Austell is a hard job and I realize that and my wife and I realize this. You can look around and see things happening and in our neighborhood two very bad situations have been cleaned up by Code Enforcement and I watched that happen. We sincerely appreciate the people in Code Enforcement for doing that. I would like to say we have had a situation with our next door neighbor that has been on-going for almost two years. We filed an initial complaint in June to report the deteriorating house structure the gutters are falling off the panels are rotting, etc. Dog hoarding and the list goes on. This was not all, she actually put a tent city in the front yard and there was swing sets covered with tarps and brought stuff day after day to put inside there. We talked to her and we were able to get her to move them from the front to the back yard and that is where they still are. We filed another complaint a few weeks ago and I have heard from three City Council Members and thank you for calling me, I really appreciate that. We have also seen the Code Enforcement car go up and down the street. So far, a sofa is still in her driveway and the tent city is still in the backyard. The dog problem is still there which we will deal with separately because that wasn't part of the complaint I should add. My question at this point and I will not take up conversation with this but I would like to leave you with some thoughts. My wife and I moved to Austell three years ago and we are both college administrators and we thought it was a charming place to live and I have been looking at it for thirty years ever since I came to Atlanta. I still feel the same way, I feel like it has endless possibilities. But, I do feel like there are some problems going on right now with the character of some of the neighborhoods and the ability of Code Enforcement to handle some of the problems and my next door neighbor's problem is one example. I don't really have a clear picture of when somebody files a complaint. I know Code Enforcement must have heard about it because they are going up and down the block looking at it. But, so far the sofa is still in the driveway and so is the tent city. Again, the dog problem we will handle separately. I wanted to come here tonight to talk you all about it face to face because I am very concerned. I think we can do a lot more than we are doing. If I can help at all I would love to do that. In fact I would like to be a better citizen and come to more of these Council meetings. And, so, would my wife although she is sick tonight and could not be here. Thank you for your time, I appreciate it and Austell is a great place to live.

Mayor Jerkins asked Chief Starrett if he knew anything about what was going on. Chief Starrett stated we have spent a lot of time on this and we contacted ex-Council Member Randy Green and he has been to the house and talked with the lady. We are trying to work with her but she is having a lot of problems. "He asked Mr. Spencer have you not noticed any cleanup in the last week or so." Mr. Spencer stated, no, he hasn't because what we see from our driveway is pretty bad.

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Chief Starrett stated, we have been taking pictures and she has done a lot. She has made an effort and we try to be compassionate and work with them. Of course she has a different story about you too. She is trying to work with us and she has had a lot of problems and as I said Randy Green has been going to her house and he has some volunteers to help work with some folks and we have seen an improvement but it is not pickup time for the City to pickup items and we are trying to work with her and give her another month to try and get everything cleaned up. Mr. Green asked Mr. Spencer if he had spoken with her. Mr. Spencer stated, yes, he had spoken with her about a month ago and that was the last conversation I have had with her. Mr. Green stated he had told her to talk to you and tell you that we were working on it. She is working on all the objects in her yard to be put in one particular place to be hauled off. As soon as it gets going I told either in February or March that maybe we would go over one day and clean your yard and rake the yard and cut it and make it look a lot nicer. I told her to tell you this would be what would happen. Mr. Spencer said thank you very much this is the kind of team effort I love to see. I know I haven't heard any of this but I will say I am aware of all the problems and I think as far as the structure itself her father owns the property. I have attempted to call him and speak with him but he will not return my calls. Mr. Green stated he spoke with her about that and she stated he had some bad issues and he wants to refurbish the outside of the house and bring the appearance up. He is in the process of getting the money to do that. Mr. Spencer stated this is good to know because a real estate friend of mine told me there is no way I could sell my property with that next door. Mr. Spencer thanked the Mayor and Council again and stated he appreciated the information.

Ms. Anderson stated she had a question and maybe Chief Starrett can help me. There was a concern about the amount of dogs there. There was an excessive amount and I do know we have it on the books that in the City of Austell we can have four (4) animals. My question is what we can do if we are aware of that issue. We don't handle that ourselves in Austell and Cobb County Animal Control should. But, in that situation who should we call Code Enforcement or Cobb County Animal Control just for my own knowledge. Chief Starrett stated we turned that over about four or five years ago. Mayor Jerkins stated yes, we did turn that over to Cobb County Animal Control as far as animals. We had it on our books, but we did turn it all over to them. Ms. Anderson stated so now if there are an excessive amount of animals and they are not being cared for properly then we do call Cobb County. That is my question and thank you very much.

Mr. Joe Miler introduced himself and stated he lived at 5916 Spring Street in Austell. I have a problem every spring with mosquitoes and I do believe it is the two tire stores on Bankhead Highway adjacent to me.

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They are throwing big huge amounts of tires and especially Sam's Tires who is right behind me. As soon as the rains come I can't even go outside without getting toted off. I think the next meeting ya'll have I will get the mosquitoes to tote me over here. They are awful and the mosquitoes are terrible. The guy living next door to me, he never mows the yard. I think he mowed it three times last year. I think this is a big problem too. I believe Code Enforcement has been over to talk to him. Recently, I had an infestation of rats. I trapped and killed eight (8) rats myself. I believe Code Enforcement came out and looked at it then. If there is something we can do with the tire companies because they are storing those tires with no shelter over them and there is standing water in them when it rains. I believe that is our problem with the mosquitoes. I don't know where the rats came from. Mayor Jerkins stated it's probably true and asked Chief Starrett what they had done on that if anything. Chief Starrett stated we haven't received a complaint on James Tire Co. that I know of. Mr. Miler stated he's the one that stacks tires over there and they stay there for a couple of months or three months until they get a tractor trailer load full. Chief Starrett stated they had been to both of them and had been to Sam's Tires several times and it is about time we charged him because the State will allow you to have so many tires on your lot before you have to remove them. We have City Ordinances you have to abide by. You are not supposed to have them stored uncovered. As far as the rats I told the Code Enforcement Officer to have the exterminator come out and he has been working with them to find out where they are coming from. He has talked to several of the residents up and down the street and it is a serious infestation in the neighborhood. Like I said he is working with the exterminator to try and find out where they are coming from. I have gone to the tire company and it doesn't appear they are coming from the tire company. The rats are across the street from you and down the street from you. There is definitely a problem and we are trying to get resolved. Mr. Miler asked what about my neighbor there. Ms. Anderson stated she would call them tomorrow because she knew it was an investment home for them. One day they would like to utilize it a little more. I know he is now working two jobs and they were running a photo/portrait place for years and the last couple of years, business has not been what they had hoped it would be and he has gone back to work. I will give Kurt a call. Mr. Miler stated he did realize this and I know that times are tough but I will buy him the gas to put in the lawnmowers. Ms. Anderson stated with it being investment property they are not always right there a lot of times out of sight out of mind. They might just totally forget and suddenly see it and say oh, that's looks pretty bad. They are not around as much as they used to be. Chief Starrett asked Mr. Miler how bad the rats are now. Mr. Miler stated the rats have gotten a lot better. I haven't had one in the trap in a awhile. I guess they put poison out somewhere. Ms. Anderson stated she lives on the other side of Bankhead and I have been in that home for fifteen years and on and off for fifteen years there has been a rat problem. It might show up and then you may not see them for five years.

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It is a nonstop thing because actually my husband just mentioned to me this morning we needed to put a rat trap out because the cat is not doing her job because something woke me up last night. So, this may be a time they are coming back like I said on and off for the last fifteen years we seen them. I don't think its Sam's especially and I do know that Sam's has been cleaning out and just had a whole truck load of tires. He has had the State out there inspecting. So, I don't think they are the only culprit or that they are so much to blame. I think it is just something we have to keep a handle on. I've heard the complaint about the mosquitoes as well. We have a lot of big trees and we have had a lot of moisture. There are a lot of things that will cause it. Mr. Miler stated he did understand but I cannot stay in my yard ten minutes. Mr. Miler asked if the City had sprayers and if they went around and sprayed different areas for the mosquitoes. Mayor Jerkins stated we used to have a sprayer but we stopped using some stuff. Mr. Bowens stated we stopped using the spray because we were getting a lot of complaints about the resident's respiratory problems. The spray we were using is biodegradable but people were complaining about it and stating it was harmful to them because of the chemicals. Unfortunately, what we do in cases like that were we know there is a mosquito infestation or ponding water we put out some pellets or either the clumps that actually cleans the mosquito lava but they will not kill the adult mosquitoes. We have to spray those and kill those direct. I will check into that and we do have a portable sprayer. Mayor Jerkins stated if you have some spray go ahead and spray until they get up some of those tires. Mr. Standard stated isn't this putting a band aid on the problem. If you cure the problem you will not have to keep putting a band aid on it. Mayor Jerkins stated you must not have heard what I said or you just didn't want to listen to me. I said they needed to spray until they can get the tires out of there and that should cure the problem. Mr. Standard stated this has been a problem for years. Mayor Jerkins stated we are working on this. Mr. Miler stated he had one more question, what about the two dogs that has been running around and have they been caught. Mayor Jerkins stated they have tried to catch them (meaning animal control). Ms. Anderson stated, no they are not caught but they have tried to catch them and those dogs killed one of my dogs in my backyard about two and half years ago. Those dogs get under the church and they are just two beanies. I know Chief Starrett has tried to get them and failed. Mr. Miler stated he was just curious and that he hadn't seen them in the last couple of months. I guess in three months we will see them running around. Mayor Jerkins stated you can go for awhile and not see them and I have tried to figure out who owns them. They go all over the whole neighborhood. Ms. Anderson stated people do feed them and I have asked them not to but they still do. Mr. Miler thanked the Mayor and Council for their time.

Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council.

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Mr. Randy Green introduced himself and stated I left each of you a copy of the information and if I can get it together and get the volunteers I would like to start in February or March. If I could, I would like the City to help me by coordinating with me as we clean up a yard on a Monday after or a Tuesday after we take out the trimmings and put them on the street and have the City remove them. Mayor Jerkins stated they are good about picking up once a week anyway. If there is a lot of junk, we could probably arrange something if you want to put that out there and start getting the junk together in that one particular house. There is so much involved that the lady has in her yard. Mr. Green asked Mayor Jerkins if it would be o.k. to go ahead and talk with her. Mayor Jerkins stated he didn't have a problem with if the Council agrees. Council agreed with the Mayor to go ahead and pickup. Mayor Jerkins stated we normally don't pickup but twice a year. Mr. Bowens stated we always start in April. Mayor Jerkins stated if it's that bad we need to try and work with them and get it picked up. Mr. Green stated he appreciated it. Mayor Jerkins stated if she has some of it out there we will try and pickup some of it. Mr. Green stated he knew it would make her feel good because she is struggling with money like so many other people.

**6. GAS SYSTEM REPRESENTATIVE  
JOE JERKINS**

Mr. Kimbrough stated this is the first meeting we have had since the November meeting. We addressed the gas rate schedule for both December and January and once again noted that Austell Gas is the lowest marketer for natural gas. I think it puts it up to twenty-two or twenty-three months in a row. They have done a very good job over there. All the finishing touches were put on the Amendment to the Charter which would increase the rate that the Gas System would pay to the City of Austell as far as the franchise fee so that is all taken care of as well.

**7. FINANCE DEPARTMENT  
VIRGINIA REAGAN, CHAIRPERSON  
Denise Soesbee, Director**

A. Financial Report

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**8. GENERAL ADMINISTRATION**

**KIRSTEN ANDERSON, CHAIRPERSON  
Carolyn Duncan, Director**

A. Redistricting Meeting – Information Only

Ms. Anderson stated for information only a redistricting meeting was held February 3, 2012 at 11:30 a.m. in the Municipal Courtroom at the Threadmill Complex. Linda Meggers a consultant who was recommended by the State of Georgia who helped us compile a new map for the Wards. This proposed map will be sent to Carolyn Duncan very soon.

**9. POLICE DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON  
Bob Starrett, Police Chief**

A. Police Report

B. Code Enforcement Report

**10. FIRE DEPARTMENT**

**SCOTT THOMAS, CHAIRPERSON  
Tim Williams, Fire Chief**

A. Fire Report

**11. PUBLIC WORKS DEPARTMENT**

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

A. Approval of Construction Cost For Office Changes at Threadmill

Ms. Anderson stated to approve the construction costs associated with the construction of Public Works Administration offices. Included are the total costs which are \$12,407.32. Construction is substantially completed. However, conference room chairs and an office chair will be purchased. Funding for these purchases will come from the Stormwater Management Division and are available in the fiscal year 2012 budget.

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*Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the Construction Cost for Office Changes at the Threadmill. Seconded by Ms. Reagan. Motion passed (6-0).*

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

**A. Legion Park Equipment Purchase**

Mr. Thomas stated we have the purchase of new equipment for the Parks Department. The Cobb County 2012 – 2016 1% Special Purpose Local Sales Tax (SPLOST) allocated 25% of receipts estimated at \$1,168,047.00 for the City of Austell Parks Department.

The approved project list for utilizing these funds allocated \$200,000.00 for New Parks Department equipment. The City of Austell Parks Department has an opportunity to save on this expense with yearend deals if the equipment is ordered in a timely manner.

The Parks Committee recommends approval of purchase of the attached equipment list at this time. The equipment will be financed with Republic First National, which the City of Austell has been preapproved for financing. The finance payments will be met using only those funds received from the SPLOST program.

**Equipment recommended for approval:**

- |   |             |
|---|-------------|
| 1. TL 240 Takeuchi Cab Unit with 76” tooth bucket | \$47,500.00 |
| 5 year/5000 hour extended warranty                |             |
| Covers power train and hydraulics                 | \$ 4,000.00 |

**Attachments for skid loader:**

- |   |             |
|---|-------------|
| 2. Bradco 6’ Brush Cutter   | \$ 4,700.00 |
| 3. Bradco 7’ Sixway Dozer Blade   | \$ 4,600.00 |
| 4. Hudson trailer HSL 16’ 7ton with military hitch  | \$ 4,850.00 |
| 5. Ford Econoline Cargo Van E-250 Commercial E2E<br>With racks and bins comes with 3 year/36,000 mile<br>Warranty | \$18,627.00 |

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6. 2012 Fleet Chevrolet Silverado 3500 HD Regular Cab 162" wheel base dump 3 year/36,000 mile warranty	\$35,028.00
7. John Deere Z 920 A Commercial Z Trak 48" cut pro deck	\$ 7,838.23
8. John Deere 8 bushel collection system for mower	\$ 1,936.43
9. Chevrolet 3500 HD 2WD Crew Cab with 12' Landscape body	\$28,275.00
Total amount of purchase to be financed for four years	\$157,354.66

Mr. Thomas stated he would like to turn this over to Mr. Graham for anyone who may have questions about the equipment. Mr. Graham stated we have needed equipment for the last four or five years. We have the opportunity to go ahead and purchase it. We have gotten some great deals on the government contracts. Everything we are buying has an extended warranty. We have some great deals on some of this equipment. The first one is the skid loader and it comes with a five year/5000 hour warranty. We have several attachments, brush cutter and a six way dozer blade. We can also use this on snow. We have a trailer to carry the skid loader. The next is a Ford Econoline Cargo Van set up for electrical employees and maintenance workers. The third one is a 2012 Fleet Chevrolet Silverado 3500 HD to pull the skid loader and use in the Parks. Also, a John Deere Z 290 A Commercial Z Trak lawnmower and we went ahead and got an collection system on it so we can re mow some areas. The last one is a Chevrolet 3500 HD 4WD with a 12' Landscape body Crew Cab. The other landscape truck needs work on it and this will save us from buying trailers for hauling. This will be financed over a four year period. This actually leaves us with a little over \$40,000.00 for additional equipment later on and approved by SPLOST. We will be coming to you next month trying to get capital improvements on the roof system of the back building which is in dire need. We are in the process of getting estimates and designing that. We have a \$150,000.00 budgeted for that from the SPLOST program and we will be presenting that next month.

Mayor Jerkins asked how are we doing this, is it a leased purchase? Mr. Graham stated it will be the same as the fire equipment the same company. It will be semi-annually payments. We should be receiving from the SPLOST and the way it breaks down we should receive \$25,000.00 a month designated for Parks.

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This allows us to finance this equipment and do projects as well. Instead of trying to pay for equipment as we go along. Like I said, we have been getting some great deals. This will allow us to keep doing projects by financing this over four years. Please notice on one of your pages it was SPLOST project list that was voted on for all the projects for the Parks Department. Ms. Reagan stated she did not see that but you will include John Street. Mr. Graham stated you will not see John Street on there but please see at the bottom miscellaneous upgrades and that is our neighborhood parks.

*Mr. Thomas moved to follow the recommendation of the Parks Committee to approve the purchase of this equipment. Seconded by Ms. Reagan. Motion passed (6-0).*

**13. COMMUNITY DEVELOPMENT DEPARTMENT  
SUZANNE THOMASON, CHAIRPERSON  
Jim Graham, Director**

**A. Special Land Use Permit Application from East Meet West, Inc. for property located at 5010 Flint Hill Road**

Ms. Thomason stated the Department of Community Affairs has received an application from East Meets West, Inc. to obtain a Special Land Use Permit for property located at 5010 Flint Hill Road, in LL 1157, parcels 60 and 31 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County.

The Special Land Use Permit will allow the applicant to operate a recycling facility at the above mentioned property.

Ms. Thomason stated she would like to turn this over to Mr. Kimbrough for a public hearing.

Mr. Kimbrough stated at this time we call for a Public Hearing for a request for a Special Land Use Permit from East Meets West, Inc. for property located at 5010 Flint Hill Road, in LL 1157, parcels 60 and 31 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County. Mr. Kimbrough asked who is here to speak on behalf of the applicant. Mr. Matt Hines stated he would be the representative for East Meets West, Inc. Mr. Kimbrough asked if anyone was present in opposition. Mr. Kimbrough stated I believe we have Ms. Deborah Mack present. Mr. Kimbrough swore in Mr. Hines and Ms. Mack. Mr. Kimbrough stated Mr. Hines would go first and represent East Meets West, Inc.

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Mr. Hines stated he was present to represent East Meets West, Inc. he stated they are a recycling facility that has recently purchased the property here in Austell. I would like to start first by distinguishing a recycling facility from like a trash company. East Meets West recycles clean commercial products, from plastic to other types of containers that comes to them already baled. The particles are then put in a grinder and baled and sent to clients. We are dealing not with trash or cans or other messy things that would disrupt the area. They are all clean commercial products and that is all that is being recycled in the area. Now in November this past year they purchased a building at 5010 Flint Hill Road and since then have been unable to use the building. We are here tonight to ask for permission from the City Council for a Special Land Use Permit so they can move forward with their operation at that facility. I would like to start first from where they are now and where they will be in the future. They are now at 5762 Sidney Ann Court that has about sixteen thousand square feet. It has two machines and has about four hundred amps of power going into the facility. I say this because I would like to distinguish this from what we are looking at later at 5010 Flint Hill Road. At this facility, and they have been there about two years, there is a neighborhood right behind them and there have never been any complaints, noise violations, nuisance complaints that they have had from the surrounding areas. They are looking to get into a larger facility now. The new place where they would like this land use permit is at 5010 Flint Hill Road it is around sixty-two thousand square feet. So it's much bigger. It will have six total pieces of equipment. It will have three grinders, three balers and more employees. It will also have more amps to power the place. I say that only because there has been some concern over possibly the appearance of the place. Maybe trash left outside or where things would be kept outside. With sixty-two thousand square feet everything will be kept inside in the primary structure. We have been working with the City of Austell and the one requirement they have asked of us is all there recyclable material be stored inside in the primary structure. At this new facility that will not be a problem. Everything will be stored inside and the appearance will look great. Also, the more machines they can have at this new facility the higher the voltage of power 1200 amps they can turn around the product quicker to get it out. It will not sit around and accumulate. When it comes in it will be processed, ground and baled and sent back out to their customers. So, they will be much more efficient and will not be an accumulation of stuff which would lead to a bad appearance. It will be stored inside the structure and things will be turned quickly and shipped to their clients. I have some pictures of the facility and I think most of you have seen them. I would like to pass these pictures to each of you.

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I want you to know that we have the recycling here the larger part and the site is an office complex. These are actual offices where they will be meeting with clients and having clients come in from out of town and having business meetings in this place. I say this, because I don't want you to think it is just a recycling place. This is a place where clients get a first impression of the company. So, it is in their best interest to make the place look great so when they come and meet at this office they will be impressed and hopefully do business together. Now, there have been a few other concerns from the City of Austell we have been working on. Basically, they require all pallets be stored inside a closed fence. That is no problem. We have the plans to close the fence just outside the eastern side of the property where all pallets will be held. So that will be prevented and will not be seen from the road and will be kept inside and be in the enclosed area. The City has recommended there only be one refuse container outside the property. This is not a problem. We will have one can out there for trash and that will be it. It has also been recommended that only ten tractor trailers parked on the property at one time. Again, we will certainly abide by the request of the City and the City Council. In one report, in the back of the property there was some concern about stormwater runoff. We are utilizing the best management practices to make sure this is not a problem. Gravel has been used to make sure the water is absorbed and not run off the concrete or something. We will be putting silt fence around the back to keep any other runoff from draining. There are a few ravines behind the property and this is the stormwater concern that has been raised. We are taking precautions to make sure our property does not empty into that. Silt fence around and there will be rip rap on the back also to make sure that soil is compacted. Also, from previous owners there were some metal structures in the back and that we feel were used to direct the flow of the stormwater. The City has asked that we clean all that up and it has been cleaned up. So, we have the spot looking good and we will utilize all the best management practices to make sure it is not interfered with. It was also mentioned that if wet process, meaning any source of water was used in the process of recycling we would make sure it doesn't become stormwater. Wet water is not used in the process. We just want to make sure this is not a concern. Again, I think we have covered most of the concerns we discussed with the City of Austell and we want you to know we will abide by the laws you have requested and made. The enclosed fence and the maintenance of the stormwater drainage behind the property, the appearance and it will benefit not only the City but my client as well to bring in future customers to their facility. We are very excited and I think this facility is an asset to the City. I think it is a win win for everybody. It will bring jobs and it will bring revenue. We are just sort of in a holding pattern right now.

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Hopefully, we can move forward with operation of this plant. The owner of the facility is here and we will be glad to take any questions you may have. Mr. Kimbrough asked if anyone had any questions of Mr. Hines. Ms. Reagan stated she had a question. In talking about the enclosed fence that would be a privacy fence, right? Mr. Hines stated, yes it would be. Ms. Causey asked what the hours would be? Mr. Hines stated they would be 7:00 A.M. to 4:00 P.M. Mr. Kimbrough swore in Ms. Maria Yuhua Qian and Mr. Gosa. Ms. Causey stated she did have a concern about everything that was stored on the outside of the building. I took some pictures and I would not like to see that in our City. Mr. Gosa stated he totally understood and asked are you talking about the pictures from the 5762 location. Ms. Causey stated yes. Mr. Gosa stated that facility has been cleaned up and I have pictures of it but also this new facility is the solution for that problem because we had run out of room basically. I will represent to you it will be maintained and everything stored inside the facility. Ms. Causey stated this would be truly an eyesore to the residents and property values would really go down. I don't want to see that happen to our residents. Ms. Qian stated she had taken some pictures after the cleanup of the facility and we have some pictures of it if you would like to see it. Ms. Causey stated she took some pictures on the twenty-fourth of January and Council might want to comment on this. I know that Mr. Standard has been down there. Ms. Thomason asked if the tractor trailers would be going in and out all day long. Will there be very many coming and going? Mr. Hines stated we think about 0 to 3 each day. Mr. Gosa stated normally, we move about three containers a week with our clients and we pick up about two to three per day from the different factories. It will average between three and four a day. Mr. Standard stated he would like to commend you on the fact you realize you are outgrowing your space and looking for a larger space. A lot of people do not do that they just continue to pile everything up and make a mess. In reference to the traffic flow is it typical and how will they normally come up Clay Road or where? They will come up Clay Road. We are trying to avoid any more traffic through Austell especially tractor trailers because it tears our streets up. So, you are basically saying they will come down Clay Road and head out one way or the other and not necessarily going down Flint Hill and going through Austell. Mr. Gosa stated no, they will not go down Flint Hill at all. It will be off of Clay Road where the traffic comes into Clay Road. Mr. Standard stated you do realize you have residential property behind you. You understand your buffers and they have to be maintained. I guess on the South side of your building where it would be mostly your parking and your docks are. That is kind of crush and run and we get a rainy spell and you have trucks and it will get muddy and I would like to reiterate to keep an eye on that so it want turn into a mud mess.

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That will give you problem with water runoff and everything else. The pallets, is this something you use regularly or is this something you use periodically and they sat there and rot. Mr. Gosa stated our customers send product in on pallets and we take the Gaylord boxes off and we reprocess it and we send the pallets back to the customers. It is a constant motion of pallets being moved back and forth. Mr. Kimbrough asked if anyone had any further questions. No one had any questions. Mr. Kimbrough stated to Ms. Mack she could come forward and speak at this time.

Ms. Mack stated many of her questions have already been addressed and go ahead and go on record in case something doesn't turn out that has been stated. My husband and I live on the section of Flint Hill Road between Clay Road and Perkerson Mill Road which is a section and we are still recovering from the flood. There are still houses that are vacant, boarded up and overrun by weeds. See and Seafood Mart is on the corner of Clay Road and Flint Hill Road and is a constant target for robbery. I am concerned that a recycling plant will further devalue our quality of life, our safety and value of our property. I had jotted down about five areas of concerns and I would like to quickly read to you. Again, some have been answered. Is there a visual or a drawing of how the recycling plant will look once the plant is open. Will the property be maintained in a fashion that enhances rather than takes away from the value of this section of Austell? Will the products to be recycled be stored inside the building or wrecked cars, currently there was more than one and now there is one wrecked car that at this location and it is white and it is wrecked in the back and is in plain view. Every time I go by I see that wrecked car sitting there. I don't know why it is there but it has been on the property the last couple of weeks. So, will the wrecked cars, salvaged products, and scrap metal be housed on the property or will it be inside the building. Will the number of tractor trailers increase from the number already parked on the property. I think this is no but will any of the products to be recycled come from any individuals? Will there be trucks and cars lined up and down Flint Hill Road to sell their goods? Mr. Gosa stated, no. What are the hours of operation? Will it be trucks, heavy traffic, constantly be coming and going and what will the noise factor be from traffic and heavy machinery. Finally, will the recycle plant effect or could it risk in any way the safety of the many children in the immediate vicinity of this property? If you stand on the property you can see Cumberland Christian Academy, Early Stages Learning Enrichment Center, Holly Hills Landing and Village on the Park subdivision. I watched the kids getting on and off the bus on Flint Hill Road. These are my concerns and thank you. Mr. Kimbrough asked if they would like to answer any of these concerns.

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Mr. Gosa stated it was his wrecked car and he had to get it fixed and he had not been able to drive it but he would get it fixed. I have to go to the Police Department to get a Police Report before I can have it repaired. It s parked there because I could not drive it any further. Ms. Mack asked why it isn't parked at your home, because I could not drive the car. Ms. Mack asked did you have a wreck on that property. No, I had a wreck right before the property. The Austell Police Department came and took an accident report and was nice enough to tie the catalytic converter so I could move it off the street. Mayor Jerkins stated there will be no cars crushed or anything like that. Mr. Standard stated people that have property that size people will ask can I park my car or boat here. That would be a whole different license you would need if it is a salvage yard. Ms. Causey asks if there would be anyone staying on the property around the clock? Mr. Gosa stated no, no one will be there full time. Mayor Jerkins asked you said the hours were from 7:00 a.m. to 4:00 p.m. Mr. Gosa stated, yes, that is correct and if work picks up we might be there from 7:00 a.m. to 7:00 p.m. No later than 7:00 p.m. Mayor Jerkins asked no Saturday and Sunday work? Mr. Gosa stated right now we are trying to clean the building out and we have been working on Saturday. Mayor Jerkins stated normally you would not work on Sunday. Mr. Gosa stated, no, sir we would not work on Sunday. Mr. Gosa stated one point I forgot to mention to you. You had mentioned the noise and we have a foam absorbing material and it is draped over the grinders and the balers. We have never experienced any problems with the noise or had any complaints so this is a precautionary measure we take for the noise problem. Where we are located now we are about seventy-five feet from two subdivisions one behind us and one out to the side. We have never had anyone complain about the noise. It is a low noise operation. Mr. Standard stated he would much rather see someone in the facility who will take care of it and have a positive attitude than to see it go vacant for years. Take pride in it and it always helps when your business looks better. Mayor Jerkins asks Mr. Graham if this permit if the Council votes yes to it, this special land use permit is it good for two years or how does this work. Isn't there a time limit on it and if they don't abide by it we can shut them down. Mr. Graham stated if they violate any of the stipulations that are put forth tonight we can shut them down in a short notice if they are violating the stipulations. We would give them two to three days to rectify the situation. After that time we can legally shut the gate. This is why we put Special Land Use on things because it is so much easier to shut them instead of zoning violations because you would have to go to court. The company is aware of this and understands we can shut them down for any violations. We go through these facilities every two years and make sure these facilities are operating the same.

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If it is still the same we normally automatically renew the permit for another two years. If it is not we will bring them back before Mayor and Council and tell you they have changed their operation and you would have to make a recommendation. Mr. Bowen and myself went through the entire facility making recommendations and they were not in complete full operation but we gave them some information that we wanted to see completed immediately. This is not a Code Enforcement problem as much as it is a zoning problem. That is why my department will be inspecting the entire facility and it takes two to three days to write a letter to rectify the violations of the stipulations. Another thing that wasn't mentioned in talking with them their whole facility is not fenced. It could be where citizens would drop off recyclables. We would like to add to those stipulations in the evening or anytime it is not in operation the gate be locked and this would not allow people to drop off recyclables. It wouldn't be their fault if someone drives up and dumps it. If the gate is locked they could not do that. Mayor Jerkins stated if this passes we need a list of this lady's (Ms. Mack) concerns with this and all the other concerns we have and make sure we have everything in place and if they violate anything we can do something about it. Mr. Graham stated we would like to add that to the stipulation list and add anything that is not on there. Mayor Jerkins stated if you don't go by it then we can pull your permit. We will hold you to your word in everything you have told us. Mr. Kimbrough stated two issues that Ms. Mack brought up a drawing or rendering of the property will there be anything different other than the fence as far as the appearance of the property. Mr. Gosa stated not immediately but we will improve it. The property does not look that great right now. The building was built in 1972. We are going to do some re-sheeting on it and make it look much better than it does. It is really to our advantage to have a nice facility because we deal with some very large corporations. If they come to a facility that doesn't look good it's not a very good image for us. We want to look good for our customers as well as the neighborhood. Mr. Kimbrough stated Ms. Mack raised a question about safety to the children and the neighborhood close by. Do you have any comment on that? The facility is actually right on Clay Road and there is a landscaping facility beside us but it is a very short distance. There is a learning center beside it but the traffic we would encounter would not be going in that direction of the children. The traffic would be coming directly off Clay Road. Mr. Kimbrough asked Ms. Mack if all of her concerns addressed. Ms. Mack stated, yes, they were. Mr. Kimbrough asked if Ms. Mack had any other questions or comments. Ms. Mack stated no, she did not. Ms. Mack stated she felt very confident listening to you and the Council Members and the owners of the recycle plant they will do what they say they will do.

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If not, I feel very confident in the City of Austell. Mr. Kimbrough asked if anyone had any questions for Ms. Mack. No one did. Mr. Kimbrough asked if anyone had anymore comments or questions. No one did. Mr. Kimbrough stated we need a motion to close the public hearing.

*Mr. Thomas moved to follow the recommendation to close the public hearing. Seconded by Ms. Causey. Motion passed (6-0).*

*Ms. Thomason moved to follow the recommendation of the Community Affairs Committee to approve the Special Land Use Permit for East Meet West, Inc. for property located 5010 Flint Hill Road with the stipulations set forth in the material. Seconded by Ms. Reagan. Motion passed (6-0).*

**B. Variance Board Appointment**

*Ms. Thomason stated the Community Affairs Committee recommends approval of Sandra Rainey to serve on the City of Austell Variance Board to fill the seat vacated by Lance Lamberton. Seconded by Ms. Reagan. Motion passed (6-0).*

**C. Agreement with iWorQ – Information Only**

Ms. Thomason stated the Agreement with iWorQ will be to provide permitting services. This will be shared with Community Affairs and Public Works. Technical support will be fifteen hundred dollars (\$1500.00) annually. The one time set up cost is five hundred dollars (\$500.00). The service will be budgeted for Community Affairs in line item 100/7210/52.1300 and will be budgeted for Public Works in line item 515/4320/52.1300. This is for information only.

**14. ATTORNEY – DUPREE & KIMBROUGH**

**A. No Report**

**15. MAYOR'S REPORT**

A. CMA MEETING	MARCH 8, 2012
TIME:	6:30 P.M.
LOCATION:	HOSTED BY AUSTELL @ COBB CHAMBER

**B. Abandoned Flood Houses**

Mayor Jerkins stated we are working on this they have put ten (10) together to turn over to Judge Nix. He will pick up the paper work tomorrow. They are in different areas and he will start working on these to track down the owners.

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Some of them are in bad shape so we have picked out some of the worse ones to start on and it may take some time and it may be a little bit expensive but we have to do something with them. We will start with the ten and start running titles and try to locate the people that own them or the banks that own them and start dealing with them. Judge Nix will help us on that part of it. Ms. Thomason stated she had a question. What are we paying Judge Nix? Are we paying him a flat rate or what? Mayor Jerkins stated we will pay him by the hour. He hasn't given me a price at this point and time. He will look at it and then see what he can do. It is usually pretty reasonable for what he does for us. Leo Clifton would have been doing this but he is retired now. This is the reason Judge Nix is doing this for us and because he is a real estate lawyer. Ms. Causey asked if there any way we can have a list of what we are starting on. Chief Williams has the list of ten and he will give to Judge Nix tomorrow. Mayor Jerkins requested that Chief Williams give all the Council Members a list of the ten homes. Mr. Standard stated he had a question in that era. How long do we leave the silt fences up, is it until the summer grasses grow in. Mr. Bowens stated when the grounds are established on the site. Then normally the contractors will come back and remove the silt fencing. Mayor Jerkins asked if anyone else had any questions or comments. Ms. Thomason stated she had one question. I was downtown meeting the lady and new owner of the downtown shop area and I was talking with her. She was looking at those brick planters out on the sidewalk and she asked me who keeps those up or who plants flowers in them. She didn't know if she could or not. Mr. Graham stated if we plant it we would love for the business owners to go out and water every day. Mayor Jerkins asked where the planters were located. Ms. Thomason stated they are on the back street where Ramona's is located. The owner stated to me she would plant something in because there are weeds growing in right now and she is opening in April and she just wants it to look good. Ms. Causey asked Mr. Graham if the pond behind Ramona's would be operating again? Mr. Graham stated, yes, after the winter. Ms. Causey asked if it would be painted. Mr. Graham stated we will drain it first and then paint it. Ms. Causey stated she would let the business owner know. Ms. Causey also stated to Mr. Green to please put her name on the list and she would help in any way she could. Ms. Reagan asked since we have some money can we plant some flowers in front of City Hall. Mr. Graham stated that was first on his list.

**16. ADJOURN**

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