

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, MAY 1, 2017**

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

Absent: Randy Bowens

Also present were: Scott Kimbrough, City Attorney; Sandy Farmer, City Clerk; Jim Graham, Community Development Director; Pat Maxwell, Fire Chief; Denise Soesbee, Finance Director; and Bob Starrett, Police Chief.

**1. CALL TO ORDER**

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

Mayor Jerkins asked if anyone had any items to add to the Agenda. No one had any items to add to the Agenda.

**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 \$2,522.50
- C. Approve Minutes of Regular Council Meeting April 3, 2017

*Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Mr. Green. 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. Ms. Trudie Causey stated she would like to speak. Ms. Causey stated she just wanted to thank everyone who was responsible and involved for getting the restaurant in downtown Austell.

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**6. GAS SYSTEM REPRESENTATIVE  
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting. Normal course of business handled and gas prices as you can imagine are very flat at this time with not much of a demand. Due to the warmer than average winter. We are actually behind last year's warmer than average winter. We will keep our fingers crossed in hopes of a cold and dryer winter next year.

**7. FINANCE DEPARTMENT  
OLLIE CLEMONS, CHAIRPERSON  
Denise Soesbee, Director**

A. Financial Report

B. Public Hearing Preliminary Reading of 2017 – 2018 Fiscal Year Budget

Mr. Ollie Clemons stated you all have a copy in front of you. The 2017-18 budget reflects changes in gas system franchise revenue, business licenses, property taxes, motor vehicle, insurance premium taxes and fines and forfeitures for an overall increase in revenue of \$255K.

Expenditures for the 2017 – 18 preliminary budget have increases for healthcare of 25%, repairs and maintenance and general supply and material for an increase of \$242K leaving a reserve of approximately \$13K.

This public hearing was advertised in the Marietta Daily Journal on April 25<sup>th</sup> through May 1<sup>st</sup> prior to the public hearing in accordance with O.C.G.A. 36-81-5. Also, the Preliminary 2017 – 18 Preliminary Budget is available upon request to the Finance Department.

Mr. Clemons stated he would like to turn this over to Mr. Kimbrough, City Attorney for a Public Hearing for the 1<sup>st</sup> Public Hearing of the Preliminary reading of the 2017-2018 Budget.

Mr. Kimbrough asked if anyone had signed up in favor or opposition of the Budget. Does anyone have any questions in regard to the 2017-2018 Fiscal Year Budget? No one had any questions. Mr. Kimbrough stated at this time we need a motion to close the Public Hearing.

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

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

A. City of Austell Dress Code

Ms. Sandra Leverette stated the General Administration Committee recommends the Adoption of the City of Austell Dress Code. The City of Austell has never implemented a dress code into our Personnel Policy. It will be an Amendment added under 3.680: Standards of Dress and Grooming; 3.681: Policy; 3.682: Dress Code and 3.683: Responsibility and Procedures.

Supervisors are responsible for explaining and enforcing this policy. Employees who report to duty and are non-compliant with the dress code may be sent home to correct the violation or may be sent home without compensation. Failure to comply with, and repeated violations of this policy will be cause for disciplinary action up to and including termination pursuant to Section 5, Discipline, of the Personnel Policies for the City of Austell.

This Adoption of the City of Austell Dress Code would be effective May 1, 2017 if approved by Mayor and Council.

*Ms. Leverette moved to follow the recommendation of the General Administration Committee to approve the Dress Code. Seconded by Ms. Kirsten Anderson. Motion passed (6-0).*

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

- A. Police Report
- B. Code Enforcement Report

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

A. Fire Report

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

A. Request for Speed Bumps on Franklin Street

Ms. Kirsten Anderson stated the purpose is to approve the installation of speed bumps on Franklin Street in the Stonebrook subdivision. Public Works received a request to install street bumps on Franklin Street only due to excessive speeding along this stretch of road.

*Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the request for Speed Bumps on Franklin Street. Seconded by Mr. Clemons. Motion passed (6-0).*

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

A. Parks Lawn Mower

Mr. Thomas stated the Parks Department recommends the approval to purchase an ExMark 60 inch Lazer S-series lawn Mower. Douglasville Ace Hardware was the lowest bidder in the amount of \$8,400.00. The money to purchase this equipment will come from Parks, other equipment, account number 100/6210 – 54.2500.

*Ms. Anderson moved to follow the recommendation of the Parks Department to approve the purchase of a lawn mower. Seconded by Ms. Valerie Anderson. Motion passed (6-0).*

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**13. COMMUNITY DEVELOPMENT**

**VALERIE ANDERSON, CHAIRPERSON  
Jim Graham, Director**

**A. Special Land Use Permit (SLUP) 5540 Fessenden Avenue**

Ms. Valerie Anderson stated the Department of Community Affairs has received a request from Changing Lives Today, Inc. for a SLUP on the property located at 5540 Fessenden Avenue, in LL 1284, parcel 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County.

The Special Land Use Permit will allow Changing Lives Today, Inc. to operate a Community Living Arrangement Home.

The Planning and Zoning Board voted (5-0) against the proposed SLUP.

Ms. Anderson stated she would like to turn this over to the City Attorney for a Public Hearing.

Mr. Kimbrough stated at this time I would like to call for a Public Hearing for Changing Lives Today, Inc. for a Special Land Use Permit. The property is located at 5540 Fessenden Avenue, in LL 1284, parcel 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County. Who is here to represent Changing Lives Today?

Mr. Alvin Terrell stated his name and stated he was CEO of Changing Lives Today which is a non-profit agency. Mr. Kimbrough swore in Mr. Terrell. Mr. Kimbrough stated and explained as soon as Mr. Terrell is finished and answering questions from everyone we will swear in the opposition who has signed up to speak.

Mr. Terrell thanked the Mayor and Council for the opportunity to speak my case and I will try to be brief. I run a non-profit agency called Changing Lives Today, Inc. located in Cobb County. Our mission statement is to provide support for people with disabilities. Such as, cerebral palsy, autism and so on. We operate primarily out of Cobb County, Powder Springs, Mableton and Austell. We have community homes in the County where we support individuals with disabilities. No more than three individuals in a home. We are governed by several regulatory agencies. The Department of Community Health being one and Department of Behavioral Health and Developmental Disabilities, and lastly the Health Care Facility regulations. We have a ton of oversight for all of our homes. One of your Council Members made a call to Community Health just to get some additional information about us.

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Somewhere between the time we submitted our application and now, it would indicate our agency had no compliance issues and we have been in operation since 2009. There has been no outstanding compliance issues in all that time. The most important thing I would like to convey here is the upkeep of the homes in the community. We have support coming into our homes.

At least once a month to check the individuals and also to check the cleanliness and condition of the home inside. Our homes are kept sparkling clean inside. The yards are manicured. I have a picture of the home here for you to see. I had a power point presentation but we had problems with logistics here. Also, I didn't want to take up too much time. I have a picture of the home here and I also have some documents I would like to leave with you. The home is located at 5540 Fessenden Avenue. We will be supporting three young ladies. These are not personal care homes, nor group homes or transitional homes. They are exactly what I said Community Living Arrangement homes. These individuals live in the community and thrive in the community. We have five additional homes located in Cobb County. They provide the same service as these would provide. So simply speaking we provide them with support of daily living. Such as, laundry, medication management, preparation of meals, and also community activities. If you have done any research, and I know a few of these people have visited some of our homes. I hope they have visited our website as well which gives a little more detail of what we do. We provide these individuals with community outings, social activities, job cultures, support employment. They are out in the community more than I am. They are participating in community events and arts and crafts and other related activities in Cobb County and Douglas County. Again, our houses are kept manicured. I believe this was a major concern of the citizens. Actually, I drove around the perimeter of this home and I did notice some houses that were not well kept. I did take pictures of these houses but again I cannot show them to you this afternoon because of the power point presentation. But, I can assure you our home will not fall into that category. Again, if you visit any of our existing homes you will see the yards are manicured and there is not any external issues. We ask that you allow us to operate this community home in Austell Georgia. Austell was named after Alfred Austell for this community. It used to be called Salt City or Salt Town I believe. We have done some research on the community and it seems like a lovely community and to change lives in this community. These individuals can thrive here in this community and work in the community just as you do. I know each and every one of you know someone with a disability. I believe they should not be institutionalized and enjoy all the advantages of living in a good community that you and I enjoy. This is our case in summary and if you have questions please feel free to ask me.

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Mr. Kimbrough asked if Mayor or Council had any questions for Mr. Terrell. Ms. Valerie Anderson stated she had a question. Ms. Anderson asked Mr. Terrell if he was the owner of the organization. Mr. Terrell stated, yes, he was the owner. Ms. Anderson asked Mr. Terrell if he lived in the area. Mr. Terrell stated he lived in Douglas County. Ms. Anderson asked, where the other homes are located. Mr. Terrell stated Powder Springs and Mableton. Mr. Thomas asked Mr. Terrell how many homes he had right now. Mr. Terrell stated he had a total of four houses and an Adult Day Learning Center which is an actual building. There are three homes in Powder Springs and one in Mableton, Ga. Ms. Anderson asked Mr. Terrell how do you choose who will live in the homes?

Mr. Terrell stated the Department of Behavioral Health and the Department of Developmental Disabilities have a waiting list for individuals who have been approved for this Medicaid waiver. They have been approved for this waiver. They are looking for providers such as myself who are in good standing and a good track record to support these individuals. They contact the agency and in this case they contacted me and told me they had these two or three individuals that require support. They feel like I can support these individuals because I have a good track record and no compliance issues. I have a physiologist and I have a behavior support consultant and we all go out and interview the individual. Also, to make sure we can give them adequate support that they need. Some individuals we cannot and we choose not to give the support. Those that we feel will be properly suited in our community then we move forward with the application process. Then those individuals are awarded to us and we will support them in the homes and the communities. Ms. Sandra Leverette asked Mr. Terrell if he had a nursing staff. Mr. Terrell stated yes, I have two LPN's and one RPN. My LPN is full-time and the RPN is part-time. Their job is to ensure these individuals are physically and emotionally healthy. They manage their medications and ninety-nine percent of our individuals do take medications. As many of you and I take medicine. Some of the individuals have hypertension, diabetes. Some of our individuals may have asthma or respiratory issues. My nurses are responsible for managing those diagnosis to make sure they stay healthy. They also make recommendations to me if someone needs intensive support in that area. Ms. Leverette asked is this a twenty-four hour facility. Mr. Terrell stated, yes it is. Mayor Jerkins asked Mr. Terrell how many people live in these four houses you own. Mr. Terrell stated three individuals' lives in each of the homes. The fourth home four people lives in that one. Typically, we cannot support more than three individuals in a home. The fourth home has met fire code regulations. If this home is approved we could support four individuals. Mayor Jerkins stated to Mr. Terrell you said it is a non-profit organization.

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Mr. Terrell stated, yes it is. Mayor Jerkins asked who gets the money or how much salary do you receive. Mr. Terrell stated specifically we are funded by donations and grants and through Medicaid. It is a Medicaid waiver program and it is called a Comprehensive Waiver Program. Probably eighty-five percent of our funding comes from this program. The other fifteen percent we receive donations and etc., and that money is put back into the agency. This money is to provide computer equipment and such. Many of these individuals do not have a family. Mayor Jerkins stated to Mr. Terrell you did not answer my question, how much salary you get. Mr. Terrell stated my wife who is the CFO she and I make forty thousand a year because we do this full-time. We do not have secondary jobs and we are committed one hundred percent. Mr. Randy Green asked Mr. Terrell how many people have you spoke to in the community and explained the program to them. Mr. Terrell stated he had not spoken to anyone in the neighborhood. Typically, once we submit our application and once it is approved then I would speak to them. This is the way I have always done this. Mr. Green stated this impacts all these residents that are here tonight and I think you should have spoken with them to make them feel comfortable.

Mr. Terrell stated to Mr. Green he agreed with him one hundred percent. If anyone would like to sit down with us we would be more than happy to carry on a conversation with them. Mr. Green stated this should be the first thing you would do in the community. Mr. Ollie Clemons asked Mr. Terrell what his turnover rate is to support these individuals. Mr. Terrell stated we have had excellent turnover rate. Since we have been operating since 2009 we have only had three individuals to transition and moved on and went back with their families. These individuals either moved back with Mom and Dad or Sister and Brother. The reason being there was a noticeable improvement so the families that was able to support them did take them back. Ms. Valerie Anderson asked Mr. Terrell what was the age range. Mr. Terrell stated it is nineteen to one hundred. We actually had a ninety-four year old that we supported in one of our homes. She was actually one of the ones who moved back with her family. We have supported individuals that are and old. We do have a nineteen year old now and he has cerebral palsy. He is confined to a wheelchair but he a very intelligent young man and we are in the process of getting him enrolled in Kennesaw State University. Mr. Kimbrough asked if anyone had any more questions of Mr. Terrell. Mayor Jerkins asked Mr. Terrell what would keep you from making a half-way house out of this. We have to be in compliance with those three regulatory agencies and we cannot change our licensing provision and we are already licensed as a CLA or a Community Living Arrangement. We are locked in and cannot change those provisions. Mayor Jerkins stated we wouldn't know if it is a half-way house or if you have individuals.

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Mayor Jerkins stated we are not interested in having in the City of Austell. Mr. Terrell stated these are not transitional homes Mr. Mayor these are not group homes which some of you are familiar with and I know some have popped up in the communities around the City and around the State. I know you guys have had some disturbing news on some of these homes. And believe me they disturb me as well. I get sensitive when I see someone living in a home and they have been abused physically and emotionally. We do not stand for that at all. I am so happy that Community Health is cracking down on these problems. We would never operate as a half-way house. There is no way we could operate as a half-way house but we could operate as a personal care home. But, we would have to change our licensing for all of this. Mr. Kimbrough asked if anyone else had any more questions of Mr. Terrell. No one had any questions. Mr. Kimbrough stated we have nine people sign up in opposition to speak. Mr. Kimbrough called the names out of those persons who are opposing the Special Land Use Permit for 5540 Fessenden Avenue. Butch Green, Trudie Causey, David Traylor, Karen Kamna, Ann Turner, Jamie Gordon, Brittney Barnes, Gregory Brady and Janet Terrell. Mr. Kimbrough swore in all the above persons to speak. Mr. Kimbrough stated to each person they would have about three minutes to speak and voice your opinion. We will start with Ms. Ann Turner. If anyone has any questions after each of you speak we will do it this way and try to keep some order and organization.

Ms. Ann Turner stated she didn't know if this was in opposition or support but she had a question. Is this property listed with the State and the County as having a homestead exemption? Mayor Jerkins stated the owner has to live there to have homestead exemption. The County would have to answer that question. Also, they would be violating the County rules if they did so I would say no. Mr. Kimbrough asked if anyone had any questions for Ms. Turner. No one had any questions of Ms. Turner.

Mr. Kimbrough asked the next person to speak to state her name. Ms. Jamie Gordon stated her name and stated she was apt to go on a tangent so I have notes so I cannot go on a tangent. The landscape of our neighborhood has changed over the last eleven years since I have lived there. When I purchased my home I paid a hundred and twenty-seven thousand dollars for the home. All the homes were well taken care of and they were all lived in. Then several years later the housing bubble burst before the 2009 flood. My house took a dive. After the 2009 flood my house took a nose dive to the point of it was only worth forty-five thousand dollars.

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Even before the flood and before the housing burst there was no abandoned homes in our neighborhood and it was quite. Now we have numerous code violations and we have empty houses and now we have what looks like unauthorized people living in them. Our house is still not worth what we paid for it in 2006. As the housing market has started to come back alive in metro Atlanta and in our area of Cobb the market has been slow to increase. It is imperative that we do not open Pandora's Box and allow any of these types of these living situations in our neighborhood. This will further drive down the market value of our homes. Further, making families to walk away from their homes because they will not get what they want for their homes. At this point in Austell's history the downtown area is going through a revitalization where shops are opening and restaurants are opening. This will make it an attractive city for younger families to move to. Much similar to how Acworth revitalized their downtown area and their real estate soars through the roof. If Pandora's Box is opened then Austell will lose any foothold that it currently has and it will fail as a City. We do not want this for our neighborhood and we do not want this for our children and we don't want it for our City. Mr. Kimbrough asked if there is any questions for Ms. Gordon. No one had any questions.

Mr. David "Bo" Traylor stated his name and stated he had been living in this neighborhood since the fifties. When it was first built it was named Persons Height's subdivision and it was for single family homes. I speak for the children in this county because I drive a school bus and I am speaking for them and their community. We do not need this in our neighborhood nor do we want this in our neighborhood. I am voicing my opinion for the children who could not come tonight. This is a residential neighborhood and it should be single family housing and this is the way it should be. Mr. Kimbrough asked if anyone had any questions. No one had any questions.

Ms. Janice Terrell stated her name and stated she lived right behind the home Mr. Terrell is proposing. Mr. Terrell showed the picture of the grass and it is not like that at all. It is so high and we had to call Code Enforcement on the home because of the grass. I do not want this in my backyard. I keep my yard very manicured. We do not want this in our backyard. Mr. Gregory Brady is my husband but he could not make it tonight. I do not want urine smells or any kind of smells coming from a home like that. Please do not vote yes to this. Mr. Kimbrough asked if anyone had any questions. No one had any questions.

Ms. Brittany Barnes stated her name and stated she tried to summarize and thank you for letting me speak to you tonight. Just some of the key points.

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Specifically, granted a commercial use in a residential area while this particular business may mean no harm it is open if they close this business and move another business in the area in the future. This scares me more than anything. Another thing to remodel the home to make it ADA appropriate and this would be a deterrent to anyone. To touch on the subject of decrease of the property and the young families moving into Austell. I happen to be one of the newer homeowners and I live right on Fessenden and I have only been there four years. I love it and I tell people we are a hidden gem because I enjoy where I live and I don't want to change that perspective because I want to be able to brag. Also, I happen to work for Cobb County Fire and Emergency Services. Although this is not to be considered a personal care or group home the emergency responses will be increased especially since it will be a twenty-four hour seven days a week care facility. In the last twelve years on Fessenden Avenue there has been only forty-four calls which is three and a half calls in emergency calls per year. That is very very low and that is good because we are not wasting our resources so that when we do need them they are available. Traffic will be an issue because you are going to have two to three people there twenty-four seven and if in fact if any of the people who are there would have family visit this will increase traffic flow. You would have five cars or more and that driveway doesn't support that many cars. So they would park in the streets and again have trouble with emergency response. These are things that have been brought to my attention or that I have thought about. Mr. Kimbrough asked if anyone had any questions. A lady from the audience asked are you allowed to park in the street. Mr. Kimbrough stated to the lady that really doesn't have anything to do with the Public Hearing. We would have to answer to that question at a later time. No one else had any more questions of Ms. Barnes.

Ms. Trudie Causey stated her name and stated she was here to ask the Mayor and Council to please deny this request. We have residents in our area that have had four to five generations of family that have lived here. We do not need this in our community. We have two Special Land Use Permits of businesses that have been approved in Austell and I noticed the one by Burger King has started to clean up.

We have East Meets West and they promised us the moon when they wanted to come into Austell and I sat right where you are sitting now and they told us they would not have anything outside and it would be clean. That place is disgusting. So why do we want to go in and rezone property in a residential area when Austell is trying to make a comeback. We don't need this in our neighborhood.

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It is a business and we don't discriminate against anyone in our neighborhood but we would like for you to say no to this. Mr. Kimbrough asked if anyone had any questions. No one had any questions.

Mr. Butch Green stated his name and stated he lived at 5605 Fessenden Avenue and I have lived there seventeen years. I went out and spoke with all my neighbors who signed the petition and it was a hundred and four people and that is just in the neighborhood. Just in our little neighborhood. I will give you all a copy of this petition. Mr. Kimbrough asked if anyone had any questions. No one had any questions.

Ms. Karen Kamna stated her name and thanked the Mayor and Council for letting her speak in opposition. Ms. Kamna stated there were several points brought up at the Zoning meeting which required a deeper dive for information. Specifically, Mr. Terrell stated that Changing Lives Today; is a nonprofit organization. Operating under guidelines of the Georgia Department of Behavioral Health and Development Disabilities (the Department). In a house owned by a for-profit company in Christiansted, U.S. Virgin Islands doing business as a for-profit Delaware LLC. Housing a maximum of 3 residents who receives \$700 to \$730.00 per month each in Medicaid; and cared for by a non-resident staff of 1 to 2 nurses or CNA's per shift, for 3 shifts (7 a.m. to 3 p.m. to 11 p.m. and 11 p.m. to 7 a.m.) 24 hours a day, 7 days a week, 365 days a year. Mr. Terrell further stated the house could accommodate up to a maximum of 8 people, if approximately \$20,000 were spent to install a sprinkler system, but there were no plans to do that. Ms. Turner quoted from the Code saying that Changing Lives Today is within its legal right to operate this facility as a "group home".

Nonprofits have to either reach breakeven or make up the shortfall from private donations or government subsidies. Based on the hourly salaries posted in the Department's cost study, the amount of money brought in by the 3 residents would fall far short of paying the non-resident staff. In fact, the money from all 3 residents would not pay for a single staff member per shift.

Regarding the right to operate this facility as a group home, that Code was incompletely cited. When questioned by a Zoning Board Member, Mr. Terrell specified that no staff would reside in the home. The pertinent part of Austell Code Sec. 22-127. R-20 single-family residential district" specifies that group home be: Under the direction and guidance of a designated managing caregiver, designated as such by the affiliate organization, who must be a resident of the group home and available by telephone on a 24-hour basis in case of complaints.

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So, there will not be an owner living in the home to qualify that as a group home. Now for interesting facts on Altisource Asset Management (“Altisource”). As anyone in business knows, the more levels there are to ownership, the more difficult it is to enforce a contract, code, or law.

- Altisource sets up a different LLC to handle the single-family rental properties in each jurisdiction.
- Altisource is not only in the U.S. Virgin Islands, but also in the Cayman Islands, Luxembourg, and India through subsidiaries, all jurisdictions that do not play well with U.S. laws.
- Altisource’s annual and first quarter reports, as well as court documents available online, show many lawsuits and fraud claims, including one \$32 million judgement it lost in a class action filed by its own shareholders.

To sum up, if we grant a special use permit to this non-profit and its multilevel for-profit principal, then with only a \$20,000 investment, there could be up to 8 residents in this home, plus up to 6 staff and their vehicles entering and leaving the property at least every 8 hours, plus visitors and their vehicles infringing on the quiet enjoyment of this neighborhood, and whose actions would be unenforceable by Police and Code Enforcement.

For these reasons, we should deny this application. Thank you. Mr. Kimbrough asked if anyone had any questions.

Mr. Terrell asked if he could speak again. Mr. Kimbrough stated he could speak briefly with his rebuttal.

Mr. Terrell stated Ms. Kamna has really done her homework. The Department of Behavioral Health states no CLA can have more than four (4) individuals living in a home. Whether we get the sprinkler system in or the hood suppression in or a manual fire alarm we can only support four (4) individuals in the home. My attempt was to distinguish the difference between a group home and a community living arrangement. In a group home, perhaps you can support more than four (4) or five individuals. But, in a Community Living Arrangement we can only support four (4) individuals. I appreciate all the comments that have been made and there is people involved in the community.

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I have lived in neighborhoods before where the people are not involved in the community and those neighborhoods did deteriorate. I have certainly lived in a neighborhood that deteriorated quickly. It is unfortunate that it dropped the value of everyone's home. I noticed that most of the comments are referred to Community Living Arrangement and I think with everyone it is still a misconception as to what we do.

It is very difficult to break that misconception and stereotype all matters in this case. Unfortunately, we still stereotype people. Just six years ago we called these individuals mentally retarded. Just twenty-five years ago we locked these individuals in institutions. We injected them with Haledon and other powerful medications to keep them sustained and controlled. The idea of what we do is evolving but has not evolved yet. When I hear comments, like we don't want these people in our neighborhood. This concerns me because of the stereotyping and the fact it still exists. It is one of my responsibilities to break that stereotype. I cannot stress anymore unless you have had a family member with a disability that you can appreciate these individuals want the same things that we want. That misconception that is still in our community it really is time to change it. That is one of our functions of our non-profit organization is to affect that change. I noticed from one comment that she did not want urine smells coming from the house and that offends me. Again, that further stated the stereotyping that the individuals have and the mindset of the Community Living Arrangements. Mr. Kimbrough asked Mr. Terrell anything else specific to the application. Mr. Terrell stated no, I just wanted to mention the number of individuals that we can support in the home. Mr. Kimbrough asked if anyone had any questions of Mr. Terrell after hearing the opposition. Mr. Randy Green again stated had you told the residents in the neighborhood to begin with, I really don't think you would have this many people against this matter.

Mr. Clemons stated he was certain there are misconceptions out there about the types of services you provide. I am sure the types of services you do provide is very beneficial to the individuals and I applaud you for that. You have to understand and realize this community based on what they know and what they have been given although they haven't been given much from you in the beginning. I know there is different levels of behavioral people that you would service or support. I say that meaning at some point and time you transition some of that support and also at what level that might change too and how that might affect me going forward. I feel certain you cannot guarantee they will all be at the same level that you support. I feel you will have some that are difficult to manage. Also, it might impact the neighborhood in some way or fashion.

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How would you speak to that and get this community to understand that something like that could not possibly happen. Mr. Terrell stated absolutely, and I understand your concern. There is two points to make and there are two divisions under the Department of Behavior and Developmental Disability. Those two divisions are found within its name. Behavior, Health, and Developmental Disabilities. Those are two separate operations under the Department of Community Health, Department of Behavioral Health and Developmental Disabilities.

There are providers that support individuals with behavior health disabilities. There are also providers such as myself who support individuals with developmental disabilities. There is a clear distinction in terms of support effort and who we support. To answer your second question. As I stated earlier, we have an opportunity to select the individuals that we support.

There have been cases where we have met individuals with my psychologist and the behavior support consultant and I have interviewed those individuals and they were inappropriate. Most of the time because of their behavior. We do have an option as to who we support. Our agency and our goal is to support primarily those individuals with developmental issues. Mr. Kimbrough asked if anyone else had any questions for Mr. Terrell. Mr. Kimbrough stated having heard none, we need a motion to close the Public Hearing.

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

Mayor Jerkins stated he agreed with Trudie Causey about the Special Land Use Permits that we have issued so far. They have done nothing like they said they would do and we have had trouble out of them. This is really a good time to get serious about issuing Special Land Use Permits. The ones we have issued we have had serious trouble out of them. I wanted to make sure the Council understands and also to say we have had trouble out of every one of them.

*Ms. Valerie Anderson moved to follow the recommendation to deny the Special Land Use Permit for 5540 Fessenden Avenue. Seconded by Mr. Scott Thomas. Motion passed (6-0).*

A lady from the audience had a question. She wanted to know about parking on the street in a residential area. Mayor Jerkins stated if you live in the house you are not to park on the street but if you are visiting you can park on the street.

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**B. CBDG Program Cooperation Agreement PY 1/1/18 – 12/31/20**

Ms. Valerie Anderson stated it is the recommendation of the Community Affairs Department that Mayor and Council pass a resolution authorizing Mayor Jerkins to execute an agreement that allows for continual participation in the Cobb Urban County CDBG Program.

*Ms. Anderson moved to follow the recommendation of the Community Affairs Department to approve to pass a resolution authorizing Mayor Jerkins to execute an agreement that allows for continual participation in the Cobb Urban County CDBG Program. Seconded by Mr. Clemons. Motion passed (6-0).*

**14. ATTORNEY, DUPREE & KIMBROUGH**

**A. Timothy Rioux Lawsuit**

Mr. Kimbrough stated we met in Executive Session after Pre-Agenda meeting and discussed the lawsuit. No motions were made and no votes were taken. We just need a motion to continue with defending the lawsuit and move forward on the lawsuit by Timothy Rioux against the City of Austell with the attorney's we have and do not settle.

*Mr. Thomas moved to follow the recommendation of Mr. Kimbrough not to settle the lawsuit. Seconded by Ms. Valerie Anderson. Motion passed (6-0).*

**15. MAYOR'S REPORT**

**A. CMA MEETING**

**TIME:**

**LOCATION:**

**JUNE 13, 2017**

**6:30 P.M.**

**ACWORTH**

**16. ADJOURN**

*Mr. Scott Thomas moved to follow the recommendation to adjourn the meeting. Seconded by Ms. Valerie Anderson.*