

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, JANUARY 4, 2010**

Present: Mayor Joe Jerkins
Trudie Causey
Randy Green
Virginia Reagan
Martin Standard
Scott Thomas

Absent: Kirsten Anderson

The regular meeting of the Mayor and Austell City Council was held on Monday, January 4, 2010 at 7:00 P.M. at the City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Deputy City Clerk; General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief; Denise Soesbee, Finance Director; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Mayor Jerkins introduced Martin Standard and Trudie Causey as the new Council Members and welcomed them aboard. Reverend Bob Neal gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any Council Member would like to add items to the Agenda. No items were added to the agenda.

Mayor Jerkins presented John "Ran" Forrister with a five year pin and thanked him for his efforts and hard work. Mayor Jerkins presented Sylvia England with a plaque and a fifteen year pin and thanked her for her hard work. Ms. England thanked the Mayor and Council for all their support. Mayor Jerkins presented Carolyn Duncan with a plaque and a ten year pin and thanked Ms. Duncan for all her hard work and thanked her for a job well done. Ms. Duncan thanked the Mayor and Council and her family for attending the meeting. Mayor Jerkins stated you really don't know how much you will miss someone till they are gone. Ms. Beverly Boyd will be missed by all of us.

2. CONSENT AGENDA – INFORMATION AND UPDATE

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

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills
- C. Approve Minutes of Regular Council Meeting

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Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Mr. Green. Motion passed (5-0).

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Ann Turner stated her name and her address 5415 Austell-Powder Springs Road the house with the orange mailbox that is now resting on the fireplug because the flood pulled it out of the ground. I have heard that a tunnel is almost completed going from Maxham to Old Alabama and going to Discovery Blvd. It is supposed to be like twenty seven feet in diameter. Is this true or false? Mayor Jerkins stated yes, it is true but it is a sewer tunnel. Ms. Turner stated is there no tie in to the fresh water and the sewer tunnel. Mayor Jerkins stated, no, it will be all sewer and no fresh water. Mayor Jerkins stated he had been in the tunnel. Ms. Turner stated, so, the tunnel does exist. Mayor Jerkins stated, yes, it does. It is for the Cobb County Sewer lines and this is the second one they have built. The first one was eighteen feet and this one is twenty-seven feet which is huge and this is probably only twelve feet here. It is about a six mile tunnel and it costs three hundred and twelve million dollars I think. Ms. Turner asked have all the cities in the county separated the storm water from the sewer water? Mayor Jerkins stated all the water and sewer have always been separated from regular water. Ms. Turner asked all the storm drains in the street, they do not go into sewer. Mayor Jerkins stated, no, they don't. The problem with that they have to treat all that water and so if you put all of that in there they would have to treat it and it would cost them a fortune. Ms. Turner stated I bet no one thought to run another tunnel to parallel to it for the storm water to bypass Sweetwater or to alleviate the Sweetwater mess. Mayor Jerkins stated it has to go in the right direction and it would have to come back out into Sweetwater Creek. If you put a tunnel taking care of the part of Sweetwater Creek it needs to come out down there and it can go straight and Sweetwater can curve and do everything but if you put it under the ground it has to come out in the area where it can meet back into the creek before it gets to the Chattahoochee River. Ms. Turner asked, so it can't go directly into the Chattahoochee? Mayor Jerkins stated maybe it could but it would create problems. Ms. Turner thanked the Mayor. Mayor Jerkins asked if anyone else would like to speak to the Council.

Mr. Clinton McGill stated his name and stated he lived at 3030 Sunlight Drive, Mulberry creek subdivision.

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I would just like to thank the Council for hiring Treasure Rogers who has been assisting with the buyout program. Almost ninety days ago I really didn't have a lot of hope about what was happening. Thank him for the professionalism along with Mr. Randy Bowens and Duane Demeritt. It has been a good process and I just wanted to acknowledge this because we have been so very critical in the past. We just need to let you know how much we appreciate his efforts. Mayor Jerkins thanked Mr. McGill. Mr. McGill stated he hoped they would provide some kind of status because I know the application is due January 19, 2010. Mayor Jerkins stated it takes some time to get all the information back. It may be March or June of this year. Mr. Bowens stated we are planning to have another status meeting with all the homeowners that have signed up.

Ms. Mercedes McGee stated her name and stated she lived in Mulberry Creek subdivision and I live on Sunlight Drive. I know we have asked this question over and over again but just in case in case there has been a change since the last meeting. Is there anything that can be done to avert the water that we had backed up into Mulberry Creek and the surrounding area? Where the bottleneck and what is keeping the water from flowing freely. Because every time it rains it still backs up and they have to close Jones Road and our street and the bridge. Is there anything that can be done to get that water flowing so when it rains it won't backup all the time. Mayor Jerkins stated it is basically sitting there and it can't get out. It circles around and hasn't much fall. Sweetwater Creek only has less than two feet per mile when it gets here. Once it leaves Austell on further down it has ten feet of fall per mile. So it is just sitting here and when it gets down there it starts going. Unless, they do put a tunnel in this is the only thing that can be done. There have been a couple of studies and you could cut the trees out but that would not lower it very much. It would not make any difference. Little can be done. Ms. McGee stated at the status meeting at the Threadmill a few weeks ago there had been mentioned a possibility of someone coming out and looking at the flood plain of Mulberry Creek. We have water all the time and I still have water behind my property and up the hill where the pond is my property stays wet all the time. I think because of all the rain and the erosion I don't think I am three feet above the flood plain and that is just me because of the situation I am in. Is there any way this can be looked at to see if the levels have changed and we are actually below the three feet. Mayor Jerkins stated some the residents will qualify for the buyout. Ms. McGee stated, yes, across the street from me. Mayor Jerkins stated they have a map that brings up every individual house and if that house touches the flood plain in AE zone and is more than fifty percent damage then it qualifies for the buyout and all of this is taking place. FEMA sets the rules and we cannot change that, they may change it later because of this last flood.

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Ms. Mercedes stated looking at the flood map they just kind of circled around Mulberry Creek where the flood plain is on that side and we have just been horseshoed out of it where all the water comes in. At some point, they need to look at this. Mayor Jerkins stated they are the ones that make the changes and we just go by this and basically they make changes for the insurance company. Mayor Jerkins asked if anyone else would like to speak to the Council.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated no meeting was held in December because of the Christmas holidays and we will have a meeting the end of January, 2010. We will have an announcement for last month and this month at the February meeting.

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

- A. Financial Report

**8. GENERAL ADMINISTRATION
KIRSTEN ANDERSON, CHAIRPERSON
Carolyn Duncan, Director**

- A. 2010 Calendar & City Directory

**9. POLICE DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Privilege License for 2010

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Privilege License Renewals and Requests for 2010

Beer, Wine and Liquor

**Package Retail
Malt Beverages Only**

1. Calm Convenience Store

**Package Retail
Malt Beverages and Wine**

1. Quick Pick
2. Austell Food Store
3. Austell Beer and Wine (Joe's Bottle Shop)
4. Marathon Food Mart

Package Retail Liquor

1. Joe's Bottle Shop
2. Al's Package Store
3. Nana's Liquor
4. Al's Package Store

**Consumption on Premises
Malt Beverages and Wine**

1. Café Hot Wings
2. Nana's Wings

**Consumption on Premises
Malt Beverages, Wine and Liquor**

1. Sweetwater BBQ
2. Fat Cats Fun and Games
3. Zanzabar's
4. Margarita's Mexican Cantina

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Other

Title Pawn

1. **Austell Title Pawn**
2. **Austell Gold and Pawn**
3. **South Cobb Pawn**

Towing Services

1. **Henson's Wrecker Service**
2. **Willie's Wrecker service**
3. **Dixie Wrecker Service**
4. **Massey Wrecker Service**

Bail Bonding Companies

1. **Lee Quick Bail**
2. **A-24 Bonding Company**
3. **Hotlanta Bonding Company**

Game Rooms

1. **Fat Cats Fun and Games**

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Privilege Licenses. Seconded by Mr. Thomas. Motion passed (5-0).

- D. 5 Year Pin – John "Ran" Forrister
- E. Reception – 6:00 P.M. Sylvia England – 15 Year Pin

10. FIRE DEPARTMENT

SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief

- A. Fire Report

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B. Unsafe Abatement Update
(Please see attached sheets)

C. Unsafe Building Abatement Hearing/Williams Property

Mr. Thomas stated he would like to turn this over to the City Attorney, Mr. Scott Kimbrough.

Mr. Kimbrough stated at this time he would like call for a public hearing for an Unsafe Building Abatement Hearing/ regarding property for Lynda White Williams. Mr. Kimbrough asked if Ms. William was present. Ms. Williams was not present. Mr. Kimbrough swore in Chief Williams who would represent the City of Austell.

Chief Williams stated this was a re-hearing for Ms. Williams property located at 6064 Pine Street. At the July Council meeting, it was presented to the Council that the property was unsafe due to structural and overgrowth of the property as well the roof was leaking and there was quite a bit of dilapidation. Ms. Williams testified before Council and asked the Council to give her six months to repair the property. Some repairs were done to the exterior around the property such as clean-up. There have been no structural repairs to the property. There has been some structural removal of debris and also Council had asked Ms. Williams to have the roof replaced on the structure which has not been done. I was in hopes tonight she would be present to present her case before you. The property is still in the same dilapidated condition basically like we found it. There has been quite a bit of the over growth cleanup. Mr. Kimbrough asked Chief Williams if he had sent Ms. Williams notice of the initial hearing back in July and if she was present at that hearing. Chief Williams stated, yes, he did. Mr. Kimbrough asked Chief Williams if she had been sent notification of this hearing as well which she was well aware of this hearing back in July 2009. Mr. Kimbrough asked if she signed for the letter. Chief Williams stated, yes, she did. Mr. Kimbrough asked if anyone had any questions of Chief Williams. No one did.

Mr. Green moved to follow the recommendation of Mr. Kimbrough to close the Unsafe Building Abatement Hearing for Lynda White Williams. Seconded by Mr. Standard. Motion passed (5-0).

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Mr. Standard moved to follow the recommendation of the Mayor and Council to condemn the property and send a notice to owner to condemn and bring before Austell Municipal Court before Judge Nix for a hearing. Seconded by Mr. Green. Motion passed (5-0).

**11. PUBLIC WORKS DEPARTMENT
MARTIN STANDARD, CHAIRPERSON
Randy Bowens, Director**

- A. No Report

**12. PARKS DEPARTMENT
RANDY GREEN, CHAIRPERSON
Jim Graham, Director**

- A. No Report

**13. COMMUNITY DEVELOPMENT DEPARTMENT
TRUDIE CAUSEY, CHAIRPERSON
Jim Graham, Director**

- A. Rezoning Request – Habitat for Humanity of NW Metro Atlanta
Ms. Causey stated the Department of Community Affairs has received a request from Habitat for Humanity of NW Metro Atlanta to rezone property located at 5776 Rockhill Street, in LL 23, parcel 4 of the 18th District, 2nd Section of Cobb County from R-20 to R-15. Ms. Causey stated she would like to turn this matter over to the City Attorney for a public hearing.

Mr. Kimbrough stated at this time he would like to call for a public hearing for Habitat for Humanity of NW Metro Atlanta to rezone property located at 5776 Rockhill Street, in LL 23, parcel 4 of the 18th District, 2nd Section of Cobb County from R-20 to R-15. Mr. Kimbrough asked who was present to speak on behalf for Habitat of Humanity. No one was present to speak on behalf for Habitat Humanity.

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Mr. Kimbrough asked who would speak for the City, Mr. Jim Graham stated he would. Mr. Kimbrough asked Mr. Graham if he would like to comment on behalf of the City of Austell. Mr. Kimbrough asked if anyone signed up in opposition. No one did. Mr. Graham stated they have read our analysis and it is the Planning and Zoning Board's recommendation we deny the request. Mr. Kimbrough stated if no one had any further questions we need a motion for the hearing to be closed.

Ms. Reagan moved to follow the recommendation of Mr. Kimbrough to close the public hearing. Seconded by Mr. Standard. Motion passed (5-0).

Mr. Standard moved to follow the Community Development Committee to deny the Rezoning Request for Habitat for Humanity of NW Metro Atlanta. Seconded by Ms. Reagan. Motion passed (4-1). Ms. Causey abstained because she is a member on the Zoning Board.

B. Member Appointments – Planning & Zoning Commission & Board of Variance Appeals

Ms. Causey stated the Community Affairs Committee recommends approval of the following Board appointments:

Planning and Zoning

Ollie Clemons to replace the vacant seat left by Evelyn Bragg for remainder of term to expire May 31, 2011. This seat represents Ward 2.

Julie Lemaster to replace the vacant seat left by Trudie Causey for remainder of term of term to expire May 31, 2011. This seat represents Ward 3.

Sara Parker to replace the vacant seat left by George Beavers for remainder of term to expire May 31, 2010. This seat represents Ward 4.

Louie Curtis Stanfield to replace the vacant seat left by Martin Standard for remainder of term to expire May 31, 2011. This seat represents Ward 4.

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Variance Board

Cindy Standard to replace the vacant seat left by Ollie Clemons for remainder of term to expire May 31, 2011. This seat represents Ward 3.

Ms. Causey moved to follow the recommendation of the Community Affairs Committee to approve the appointments. Seconded by Ms. Reagan. Motion passed (5-0).

14. CITY ATTORNEY – DUPREE & KIMBROUGH

- A. No Report

15. MAYOR'S REPORT

- A. CMA MEETING

DATE: January 13, 2010
TIME: 6:30 P.M.
LOCATION: Cobb Chamber

- B. Council Committee – Assignments

Mayor Jerkins stated all the Council Members received their assigned Committee at the pre-agenda meeting. Mayor Jerkins asked if anyone had any questions. No one did.

Ms. Reagan asked about Austell Supermarket. Mayor Jerkins stated it is supposed to open up right away. Mayor Jerkins stated he had already signed the contract. Mr. Graham stated he had not talked to them but it should be open soon.

Ms. Melissa Milligan introduced herself and stated she was a member of the New Birth Church on Joe Jerkins Blvd. I know last month the Mayor and Council authorized the hiring of an engineer. I believe the company name is Flood Plain Management, Inc. I didn't hear what the scope of his services would be vs. the twenty-one thousand dollars authorized to pay him. Mayor Jerkins stated this is for the buy-out program. It will be nothing other than the buy-out program.

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Mr. Rogers will be helping with paper work and help with who is qualified for the buy-out program. Ms. Milligan asked, so, there is no engineering involved. Mayor Jerkins stated no, there will be no engineering involved.

16. ADJOURN

*Mr. Green moved to follow the recommendation of Mayor Jerkins to adjourn.
Seconded by Mr. Thomas. Motion passed (5-0).*