

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, NOVEMBER 5, 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, November 5, 2012 at 7:00 P.M. at City Hall.

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

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Pastor Bob Neal gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked the Council if they had any items to add to the Agenda. Ms. Reagan stated she would like to add 9C. – Austell Saloon & Grill. Ms. Anderson stated she would like to add 11E. – Purchase of Dump Body.

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to add the items to the Agenda. Seconded by Ms. Causey. Motion passed (6-0).

Mayor Jerkins presented a twenty-five (25) year Plaque and Pin to Robert Sfredo and thanked him for his years of service and his dedication and his hard work. Mayor Jerkins and Mr. Thomas presented a five year pin to Alex Layton and thanked for his service and his hard work.

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 \$987.50
- C. Approve Minutes of Regular Council Meeting October 1, 2012

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

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4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Mr. Jim Cole stated he would like to speak to the Mayor and Council. Mr. Cole stated how long he and his wife had lived in the City of Austell and how much they loved Austell. Mr. Cole stated he would like to tell the Council a little bit about himself before a decision was made. Mr. Cole stated he sat where you are sitting once before and I realize some of the decisions you have to make. I was also on the Austell Gas Board for a few years. What I am here for there has been a complaint about my old house on Spring Street which I moved out of some six or seven years ago. My wife and I hated to move away from Austell but we had reasons, personal reasons, but there was nothing wrong with the City itself. We outgrew it I guess and we got too old to fight the traffic and we wanted to build a place so we went up to the hills and built a house up there. It got to where I couldn't take care of this old house and it is a historical house it was built in 1896. The first library in Austell was in that house. The Boy Scouts met there until they built a Scout hut at Garrett Middle School. Anyway, this is just a little history. I was on the City Council for awhile and I felt like it accomplished more at that time and I spent a year on the Council. It came time to elect a new Mayor and this is when Joe Jerkins ran for Mayor. I think he won 2 to 1. Anyway, this has nothing to do with what I am talking about. It gets down to what to do with the old house. I don't have as much money now and I don't make as much as I did back then. My wife and I did the best we could with what we had. We scraped together enough till we built this house we are in now and comfortable in. The old house I could not take care of it. I had hoped and felt since it was a historic house I would donate to the City of Austell. I have no intentions of making any money on it or asking for anything. I am at the point now where my health will not allow me to even cut the grass. I have gone through three major heart attacks and I don't want it anymore. That is the reason I left the Gas Board even though I didn't say so at the time. I had one of three heart attacks while I was on the Gas Board. I wasn't going to go through another if I could help it. Like I said I had major heart attacks and they didn't give me much of a chance. I made fools out of some of the doctors I guess and I am eighty-four years old now and my wife is eighty and disabled. She spent thirty-five years at Cobb Hospital as a nurse. I dare say there is not a person here tonight that hasn't benefited from the work she did there. She and Beverly Moore were the ones that initiated and built and made the Barrett Center to what it is today. My wife has contracted some kind of lung disease and she has to be on oxygen all the time and I can't be away from her for very long because she can't take care of herself. She can get around some because she used to cut the grass when I could not but she can't now. She can't do housework anymore and I can't climb on a ladder to put new windows in because I don't climb ladders at all.

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I am diabetic and it has affected my legs and feet so I can't push a lawnmower anymore or drive one. I have a power lawnmower but I haven't used it since we have been there. I have tried to talk with a couple of my neighbors and told them I would just give them the house. I would just give it to them because I have no use for the house whatsoever and it is a drag on me to worry about it and I am not going to worry about it anymore. I am not going to make myself sick over what happens to it and I hate that because we lived in that house sixty years and raised four kids in it. But, that's life I am away from it and I hope you will consider these things and I am not here hat in hand begging for anything. The City benefited from me being here and the City and the County benefited from my wife's work. I used to tell Joe if you need me, call me and he did a number of times. When I accepted to go on the Gas Board I did not know they paid a salary. I didn't worry about then because I was making more money than I am making now. When you went into office Joe, the City didn't have enough money to pay the employees and they had to borrow money. So I went over to City Farm at eight o'clock and worked till five o'clock and did whatever was necessary. Everybody knew they could call on me when they needed somebody. I worked a long time and I don't remember the months or the weeks over there but I never asked to be put on the payroll. I didn't get a dime for going over there. I just think the City should remember me and my wife for what we have done and where this concerns this house. Don't saddle us with anymore worries.

Mayor Jerkins stated I know you offered to give it to the City, but it would cost at least a hundred thousand dollars to fix that house like it needs to be fixed. The City just does not have the money. If we were to take it and tear it down the historical society would get on us. Mr. Cole stated he didn't know of anything on record stating it is historical. Mayor Jerkins stated it is real old and I wouldn't want the responsibility of us destroying the house and then we wouldn't have anything but the lot. If we put a hundred thousand dollars in it, it would probably bring about seventy-five thousand dollars the way houses are selling right now. You said you had a neighbor and you offered to give it to him and he would do something with it. Mr. Cole stated, Mayor Jerkins you know this neighbor. Mayor Jerkins stated I am just telling you what was told to me. You also said the neighbor offered to buy it from you instead of giving it to him. Mr. Cole stated yes, he had talk to him many times. Mayor Jerkins asked if it was Andy. Mr. Cole stated yes, it was Andy. Mayor Jerkins stated that Andy talked with Pat Maxwell the other day and stated that Andy had offered you money for it and you wouldn't take it. If you can get with him he is willing to pay you something for it and then let him have the responsibility of the house. Mr. Cole stated yes, he says he is and I have been waiting and waiting for him to do something. Mayor Jerkins stated if you are going to give it to him all you have to do is get a deed and he told Pat Maxwell he would pay you for it. Mayor Jerkins asked Chief Starrett what Andy had told him.

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Chief Starrett stated he told me he had offered to buy the house and pay you five thousand down and so much a month. He told me he would take in a heartbeat if you would give it to him. I called him to get your telephone number and he said he would be glad to take the house. Mr. Cole stated I hope ya'll know I wouldn't lie to you about anything. Mayor Jerkins stated let's go forward with it and are you willing to sell it to him or give it to him. Mr. Cole stated I am willing to give it to him right now this moment. Mayor Jerkins stated Chief Starrett can go in the morning because something needs to be done with the house because it's looks so bad. You did say you are willing to give it to him. Mr. Cole stated, yes I am. This should settle this, Andy wants the house and he can do something with it. Mr. Cole stated if he accepts it, it is his and I don't owe any money on the house. There are some taxes on the house. Mayor Jerkins stated he will have to pay the taxes and this should settle it because it is something the City doesn't need to be involved in. Mr. Cole stated he would believe it when he sees it. Mayor Jerkins stated well, Chief Starrett has already talked with him and he said he wanted the house. Mr. Cole stated Andy has made me offer after offer and this is a joke. Mayor Jerkins stated well, you said you would give it to him and according to him he is ready to take it. Mr. Cole asked if there is anyone here that would like to take it before he gets it just let me know. Mayor Jerkins stated he wouldn't want it because you would have to spend one hundred thousand dollars on it and it would bring seventy-five thousand dollars and that is not doing good business. It is just the way houses are on the market today. It is a bad situation. Chief Starrett will get together with Andy and you and get it worked out. You will not have to worry about it anymore. Mr. Cole stated his wife was at the hotel and he had to take her back home and I can't say it will be tomorrow. As soon as I get her squared away I'll be back. I need to say one more thing, I asked Charles James since they bought part of it years ago if they would be interested. Charles was interested and I think they got Beverly to come down and look at it and they decided it was not worth fooling with. Mayor Jerkins stated I think everyone feels that way because it is not a good situation.

Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council. Pastor John Bailey of Gospel Nation stated he just wanted to stop by and thank you for letting us use Legion Park for Halloween. It was a great success and I thank Mr. Graham and the Fire Department officials and the Police Department officials who helped us. It was a great night about one thousand to twelve hundred people showed up. A lot of the people from the community showed up and this is what we wanted to do for the community. The children enjoyed it and we tried to clean it up and leave it as we found it. Mayor Jerkins stated we really appreciate you doing this and taking the time to do it and it helped us out a lot because we do not have the funds to do it. Pastor Bailey stated they enjoyed doing it and thanks again for allowing us to do it. Mr. Thomas stated everything went smooth and you did a great job cleaning up. Pastor Bailey thanked everyone again.

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Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council. Mr. Cranshaw stated his name and stated he lived on Eastside Drive and stated he received a letter from the Zoning Department yesterday stating I could not have a car on the property without a valid tag on it. I do repairs so the car can pass emission so they can get a tag. I have been on this property for eighteen years. Mayor Jerkins stated I guess in some cases that would be true. The cars you have parked, which is several, who do they belong to? I know some are parked at your place and several at Fat Cats. Mr. Cranshaw stated all the cars are on my premises. The other cars belong to the guy that lives in my basement. Mayor Jerkins asked Chief Starrett if they gave him a notice. Chief Starrett stated I don't know if we gave him one or not. Chief Starrett asked Mr. Cranshaw if that gentleman had an auto repair shop too. Mr. Cranshaw stated yes, he does. Chief Starrett stated we did not see a business license for him. Chief Starrett asked what is his name. Mr. Cranshaw stated I think it is John Wolske or something like that. Mr. Cranshaw stated he had complied with everything the City had asked him to do. I keep the place clean and I have done everything I have been asked to do. I keep Fat Cats lot cleaned up and I do use it to park cars once I repair the cars. Everything on my lot has repair orders on it. Mayor Jerkins asked how long you have the cars on the lot. Mr. Cranshaw stated I have them there a month at a time and sometimes two months. Mayor Jerkins asked Mr. Cranshaw so you pretty much rotate them out. Mr. Cranshaw stated yes, I do. Mayor Jerkins asked how many do you have without tags. Mr. Cranshaw stated probably seven or eight right now. Mayor Jerkins asked have they been there a long time. Mr. Cranshaw stated two of them have, but they belong to me. Mayor Jerkins asked what you plan to do with them. Mr. Cranshaw stated they are older cars and I have been repairing them to resell them one day. Mayor Jerkins stated there are so many repair shops and gets to be a problem and it makes the City look bad. Mr. Cranshaw stated he understood that, but I cut all the grass up there and it is not even mine it belongs to the Brown family. I keep it cut and I keep Eastside Drive looking good all the time. I cut the neighbor's house I keep the grass cut and cleaned up, and the little house behind me I keep that cut and Fat Cat's and I do all this to make it look good. Do I need to put up a big fence something nice like Douglas County did. Mayor Jerkins asked like a wooden fence? Mr. Cranshaw stated wooden, plastic whatever you would like. Mayor Jerkins stated well, I don't know. Mr. Cranshaw stated it is hard to see my place unless you are looking on the hill mighty hard. TKO has a couple of cars sitting out there and the guy in my basement has a couple of cars. But, I do keep the cars rotated out. Mayor Jerkins stated we do not want to put you out of business but we want people to work with the City and try to move them out and get them fixed instead of sitting around with fenders beat up and looking bad. It just looks bad and we are trying to do things to clean up the City. Chief Starrett will work with you on trying to move some of the cars. We also need to notify the other people because there are a lot of cars up there.

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Mr. Cranshaw stated he agreed with that. Mr. Graham asked Mr. Cranshaw if he had any for sale. Mr. Cranshaw stated he did buy and sell cars. Mr. Graham stated it is not an approved car lot. Mr. Cranshaw stated no it is not a car lot. Mayor Jerkins stated when you are buying and selling cars that creates a car lot. Mr. Cranshaw stated he only sold one every blue moon. The guy downstairs from me yes, he sells cars. Mr. Graham stated with our ordinance you have to be fifteen hundred feet from that one by Martin's and you have Cleveland Brown selling cars too. You don't have the space to sell cars. Mr. Cranshaw stated no, I don't have a place to sell cars. Mr. Graham stated if the guy in the basement is doing it he is illegal and we will check that out. This is some of the complaints my office has gotten. Chief Starrett stated we asked Mr. Graham's office to research it because it wasn't in our code and it was in the zoning and it says you can't have a vehicle on the lot if you are a repair shop unless you are heavy industrial without a valid tag on it. You can't have it on the lot and it has to be in an enclosed building and that is the code. We gave all the repair shops in the City a copy of the code. We didn't necessarily have a complaint against you, but we gave all the repair shops a copy. Mr. Graham stated if you do one you have to do everyone. You also cannot store vehicles for any length of time, and that is where the ordinance states you have to have a current license on the cars at the repair shop. There are a lot of repair shops here that are a lot worse than yours, but when you get one you have to get all of them all the way across the board. We are not singling you out or your particular repair shop. The Ordinances have to be complied with and you will have to bear with us. Chief Starrett has to enforce these ordinances. Once we come down on one we have to do all of them to be fair. Mayor Jerkins thanked Mr. Cranshaw for his attendance of the meeting and stated Chief Starrett would be in touch with him.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting and all the normal activities took place at the meeting.

**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. No Report

9. POLICE DEPARTMENT

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

- A. Police Report
B. Code Enforcement Report
C. Reception – 25 Year Plaque & Pin Presentation – Robert Sfredo
D. Austell Saloon & Grill

Ms. Reagan stated Ms. Rose A. Hutcheson has applied for an Alcohol License. She will be the Licensee. Her fingerprints have been done, and the results have returned. Chief Starrett asked if Ms. Hutcheson was present. Ms. Hutcheson stated, yes she was. Chief Starrett stated normally we have to ask the person if it is o.k. to read the criminal history in front of everyone. Mr. Kimbrough, City Attorney stated to Ms. Hutcheson part of the process the Council reviewing applications for licenses of this nature is to discuss and go over your criminal history. We have to have your permission to talk about it in public like this. Ms. Hutcheson stated she didn't realize she had one. Mr. Kimbrough asked Ms. Hutcheson if she had ever been arrested before. Ms. Hutcheson stated yes, one time for a check that wasn't written by me. Mr. Kimbrough stated that is one of the things that have showed up. If you are o.k. with the Council reviewing your Criminal history then we will in detail from the G.C.I.C. criminal history report. Ms. Hutcheson stated she didn't know what was in there but she guessed it was o.k. I had rather it not be discussed not knowing what it is. Mr. Kimbrough stated let me review it real quick. Mr. Kimbrough asked Mayor Jerkins and the Council if they could take a little break and come back to this when we finish everything else and that way I can discuss this with Ms. Hutcheson before we move forward and she can give us a conformed consent or not to discuss this matter. Mayor Jerkins stated if she is o.k. to wait until we get to this other matter. Ms. Hutcheson stated that it was o.k. with her. Mayor Jerkins stated we will come back to this after all other matters are discussed. Mr. Kimbrough stated this would give an opportunity to speak with Ms. Hutcheson.

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Mr. Kimbrough stated he had the opportunity to speak with Ms. Hutcheson and gave him the opportunity to talk to her about her criminal history. The Council wants to know what her criminal history is and she has applied for an alcohol license and this is part of what we do in researching and approving and making a request to approve an alcohol license. The criminal history yielded in February 9, 1985 an arrest for a bad check and it turns out that was dismissed because as she stated it was not her and that is consistent with what the criminal history shows. There is no disposition for that charge. The second arrest was March 27, 1987 that was a theft by taking charge and she said she just paid the fine which was a little over ten dollars and resolved it that way. With her paying the fine that resulted in a plea of guilty on her criminal history. Those were the two arrests that showed up both of those were two different names. One was Rose Ann Mayfield and the first one was Rose Ann Bickers. She confirmed those were her and she just paid the fine on the ten dollar matter. There has been nothing since then in twenty-five years. Chief Starrett stated let it be clear that they cannot get the alcohol license until the safety inspection is done by the Fire Marshall. There are some life safety issues that need to be addressed before they can get a license. Mayor Jerkins asked Ms. Hutcheson if she is aware the business has to be fifty percent (50%) food. Ms. Hutcheson stated, yes she was aware of this. Mayor Jerkins stated he just wanted to make sure and it wasn't just alcohol only.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the alcohol license to Rose A. Hutcheson pending life safety inspection by the Fire Marshall. Seconded by Mr. Thomas. Motion passed (6-0).

10. FIRE DEPARTMENT

SCOTT THOMAS, CHAIRPERSON

Tim Williams, Fire Chief

- A. Fire Report
- B. 5 Year Pin Presentation – Firefighter Alex Layton

11. PUBLIC WORKS DEPARTMENT

KIRSTEN ANDERSON, CHAIRPERSON

Randy Bowens, Director

- A. Community Garden and Educational Center Budget
Ms. Anderson stated the purpose is to establish a budget for the Community Garden and Educational Center located at 2836 Windy Lane.

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The Public Works Committee recommends the approval of the budget as follows. Revenues and expenditures are limited to the purchase of supplies and materials and for maintenance of the garden and educational center.

Grant Fund (250)
Community Garden and Educational Center (6220)

Revenue:	38.9000 (Other)	\$18,000.00
Expenditures:	53.1100 (General Supplies and Materials	\$18,000.00

There will be no impact to the City budget. These funds were received through multiple grants and donations and are non-matching.

Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the budget as listed above. Seconded by Mr. Thomas. Motion passed (6-0).

B. Acceptance of Donation for Community Garden and Educational Center

Ms. Anderson stated the purpose is to accept a donation in the amount of \$5,000.00 to be used for the Community Garden and Educational Center.

As part of the Hazard Mitigation Grant Program, the property located at 2836 Windy Lane was purchased, the structure demolished, and the property returned to deed-restricted greenspace.

Separately, the adjoining property (former site of an existing garden) was donated by the homeowner. The donated property will be for the exclusive use of the community garden and educational center.

The Terrell family has expressed an interest in donating \$5,000.00 towards the community garden.

Ms. Anderson moved to follow the recommendation of the Public Works Committee to accept the donation in the amount of \$5,000.00 from the Terrell family. Seconded by Ms. Reagan. Motion passed (6-0).

C. Community Garden and Educational Center Name

Ms. Anderson stated the purpose is to officially name the community garden and educational center the "I.T. and Lodemia Terrell Community Garden and Educational Center.

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Mr. I.T. and Mrs Lodemia Terrell were residents of the City of Austell for approximately 59 years. Both of these individuals contributed a lot to organizations within the City from serving on the Planning and Zoning Board, volunteering at the Sweetwater Valley CAMP, or as a member of the Lions Club. It was very unfortunate that both of these wonderful individuals passed away earlier this year.

Mr. Terrell spent many hours working in his garden while Mrs. Terrell devoted her time with her flowers. In fact, Mr. Terrell grew a twin squash in 2003 and Mrs. Terrell grew a prize Amaryllis from her flower garden. Mr. Terrell was well known for giving homegrown goods back to the community.

As a result of the September 2009 flood, the Terrell's relocated to Fessenden Avenue as the house they lived in for many years was damaged. The house has been demolished and returned to deed-restricted greenspace. The land of the former garden was donated by the family.

Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve and name the community garden and education center the I.T. and Lodemia Terrell Community Garden and Educational Center. Seconded by Ms. Causey. Motion passed (6-0).

D. Request for Street Light – 6064 Love Street

Ms. Anderson stated the purpose is to discuss the installation of one street light at 6064 Love Street. If installed the street light would \$13.65 monthly.

Ms. Anderson stated it is the recommendation of the Public Works Committee to open this item up for discussion. Ms. Anderson asked if anyone had any discussion on this matter.

Ms. Thomason stated the reason the street light was requested there, is because it came from the person who lives across the street from me. He is the one who rides the scooter around and his name is Joseph and I don't know how to pronounce his last name. He goes to the Episcopal Church and to the Baptist Church on Mondays and Wednesday nights. When he comes back it is dark right through there and there is a street light farther down on both sides, but where he has to come up the street and up his driveway it is very dark. With the time change it has become worse because it gets darker earlier so he had asked me if there couldn't be a streetlight put on that street so he could get up and down on his scooter. Mayor Jerkins asked Mr. Bowens if he had looked at it.

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Mr. Bowens stated there is a streetlight there at the intersection of Wilson. Mayor Jerkins asked Mr. Bowens it is not on the other side of the street is it? Mayor Jerkins asked how close it is. Mr. Bowens stated it is three hundred feet in either direction. Mayor Jerkins stated well, we need one then at that location. Mayor Jerkins stated he didn't like to have one too close together. Mr. Standard asked if this was a streetlight that Georgia Power would take care of. Mayor Jerkins stated yes, and we pay them a monthly fee on it.

Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the request for a Street light at 6064 Love Street. Seconded by Ms. Causey. Motion passed (6-0).

E. Purchase of a Dump Body

Ms. Anderson stated the purpose is to purchase one dump body to be mounted on an existing truck chassis acquired by Austell Natural Gas.

The Staff has obtained quotes as follows:

Commercial Truck and Van Equipment, Inc.	\$6,320.00
Palfleet Truck Equipment	\$6,500.00

Funding will come from the Special Purpose Local Option Sales Tax, Fund 325, account 4210 (DOT Projects), 54.1400 (Infrastructure) in an amount not to exceed \$6,320.00.

Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the purchase of a one nine foot dump body from the lowest bidder, Commercial Truck and Van Equipment, Inc. Seconded by Ms. Reagan. Motion passed (6-0).

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

A. Surplus of Stage Trailer

Mr. Thomas stated the City of Austell Parks Committee recommends approval of the surplus of one stage trailer. The Parks Committee also recommends donating the trailer to Gospel Nation Christian Fellowship located at 4711 Meadows Road, Powder Springs, GA.

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Mr. Thomas moved to follow the recommendation of the Parks Committee to approve the surplus of one stage trailer and to donate the trailer to Gospel Nation Christian Fellowship. Seconded by Ms. Causey. Motion passed (6-0).

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

A. Rezoning Application from L.C. Stansel for property located at 4799 Old Westside Road.

Ms. Thomason stated the Department of Community Affairs has received a request from L. C. Stansel to rezone 28.64 acres of property located at 4799 Old Westside Road located in LL 1093, district 19 of the 2nd section of Cobb County from Light Industrial to Rural Residential. I would like to turn this over to Mr. Kimbrough, City Attorney for a Public Hearing.

Mr. Kimbrough stated at this time I would like to call for a Public Hearing for a request for rezoning from L.C. Stansel for the property located at 4799 Old Westside Road.

Mr. Kimbrough asked if Mr. Stansel was present. Mr. Brad Wolfe, Attorney stated he was representing Mr. Stansel. Mr. Kimbrough asked Mr. Graham if anyone had signed up in opposition for the rezoning. Mr. Graham stated no one did. Mr. Kimbrough asked if all the advertisements were run in the paper required by statute. Mr. Graham stated, yes they had been taken care of this. Mr. Kimbrough asked Mr. Wolfe if there was anything he would like to say on behalf of Mr. Stansel. Mr. Wolfe stated, no, sir this is just a 28.64 acre tract that some time ago we had rezoned to light industrial when the rail yard came in we thought this whole area would shift over to light industrial. In reality what has happened, it has stayed in its existing character. We had an appraisal done earlier this year related to a tax appeal and the appraiser came back with a very strong opinion that the best use of the property would be made residential and the width of the property it would not have a high use for high industrial so we are switching back to the zoning. Mr. Kimbrough asked if anyone had any questions of Mr. Wolfe. No one did. Mr. Kimbrough asked if anyone had any questions for the use of the property. Mr. Kimbrough stated having heard none and no questions from the applicant we need a motion to close the Public Hearing.

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

Ms. Thomason moved to follow the recommendation to accept and approve the rezoning application from L.C. Stansel for property located at 4799 Old Westside Road. Seconded by Ms. Reagan. Motion passed (6-0).

B. Annexation Application from the City of Austell for property located at 5464 and 5530 Austell-Powder Springs Road.

Ms. Thomason stated we have an Annexation Application from the City of Austell for property located at 5464 and 5530 Austell-Powder Springs Road. At this time I would like to turn this over to Mr. Kimbrough for a Public Hearing.

Mr. Kimbrough stated at this time I would like to call for a Public Hearing for the Annexation for the property which is owned by the City of Austell at 5464 and 5530 Austell-Powder Springs Road. Mr. Kimbrough asked if anyone was here to speak on behalf of the City. Mayor Jenkins stated this property was the old Swofford property. The house we got from the County and the business we got from Bank of America. Mr. Leo Clifton handled this through the Bank of America and it did a long time but we finally got it.

There is close to three acres on all the property. It was in the County and we needed to put it in the City so it would be part of Legion Field Park. We demolished the structure and it looks better already. Mr. Kimbrough asked if anyone signed up in opposition. No one did. Mr. Kimbrough also asked if everything was properly advertised and run according to statute. Mr. Graham stated, yes, everything was done. Mr. Kimbrough asked if there were any questions on these two pieces of property. No one had any questions.

Ms. Thomason 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 Development Committee to approve the Annexation Application from the City of Austell for property located at 5464 and 5530 Austell-Powder Springs Road. Seconded by Ms. Causey. Motion passed (6-0).

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MONDAY, NOVEMBER 5, 2012
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14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING
TIME:
LOCATION:

NO MEETING

16. ADJOURN

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