

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 3, 2016**

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

The regular meeting of the Mayor and Council was held on Monday, October 3, 2016 at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Sandra Farmer, City Clerk; Elizabeth Young, Administrative Assistant; Denise Soesbee, Finance Director; Randy Bowens, Public Works Director; Jim Graham, Community Development Director; Pat Maxwell, Fire Chief; and Bob Starrett, Police Chief.

1. CALL TO ORDER

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

Mayor Jerkins asked if anyone had any items to add to the Agenda. Ms. Kirsten Anderson stated she would like to add Item 11A. – Contract Renewal and Recycling Rate Increase. Mr. Clemons stated he would like to add 9C. – Privilege License – Café 318.

Mr. Clemons moved to follow the recommendation of Mayor Jerkins to approve the Items added to the Agenda. Seconded by Mr. Thomas. Motion passed (6-0).

2. CONSENT AGENDA – INFORMATION AND UPDATE

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

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$6,845.00
- C. Approve Minutes of Regular Council Meeting September 12, 2016

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

4. EXCEPTION TO CONSENT AGENDA

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5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. No one spoke.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Clemons stated he attended the Gas Board Meeting and it was business as usual.

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

A. Financial Report

**8. GENERAL ADMINISTRATION
SANDRA LEVERETTE, CHAIRPERSON
Sandy Farmer, Director**

A. No Report

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

A. Police Report

B. Code Enforcement Report

C. Privilege License – Café 318

Mr. Clemons stated Mr. Reginald Poplus, has applied for a Privilege License for Malt Beverages and Wine. The business, Café 318 is open for business. A Criminal History, and fingerprint was submitted and Mr. Poplus has no Criminal History that would stop him from obtaining a license through the City of Austell. Mr. Clemons stated he would like to turn this over to Chief Starrett.

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Chief Starrett stated at one time there was a State law stating you have to live in the same County in which you applied for the Business License when selling alcohol. We are not sure what that law requires. I have already spoken to Mr. Kimbrough, City Attorney about this. So, if we can ask Council to approve this pending Mr. Kimbrough checking on the State Law.

Mr. Clemons move to follow the recommendation from Chief Starrett to approve the Privilege License pending what the State Law requires. Seconded by Ms. Kirsten Anderson. Motion passed (6-0).

10. FIRE DEPARTMENT

**RANDY GREEN, CHAIRPERSON
Pat Maxwell, Fire Chief**

A. Fire Report

11. PUBLIC WORKS DEPARTMENT

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

A. Contract Renewal and Recycling Rate Increase

Ms. Anderson stated the purpose is to authorize the renewal of the recycling services contract and to authorize rate increase effective January 1, 2017 and ending December 31, 2017.

On June 1, 1995, the City of Austell and Republic Services (formerly known as BFI) entered into a recycling service contract under which Republic Services has been providing curbside collection of recyclable materials. The recycling contract was amended on September 1, 1998; December 31, 2010; and January 1, 2013.

Per our current contract, Section 5 (Compensation), 5.1 (Rates), the monthly fee will increase from \$3.14 to \$3.69. This increase is due to the current Consumer Price Index (\$0.03) and third party vendor processing (\$0.52). The total increase is (\$0.55). There was not a rate increase under the current solid waste and recycling service contract (July 21, 2014). The current rate (\$3.14) became effective January 1, 2016 and is set to expire on December 31, 2016.

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Ms. Anderson moved to follow the recommendation of the Public Works Committee to authorize the renewal of the recycling services contract and to authorize the monthly residential recycling services rate from \$3.14 to \$3.69 per home. Seconded by Mr. Clemons. Motion passed (6-0).

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

A. Roof Parapet Cap Repairs

Mr. Thomas moved to follow the recommendation of the Parks Department to approve Johnson-Laux Construction Roof Parapet Cap Repairs for the Threadmill roof. The cost of the Roof Parapet Cap Repairs will cost \$11,745.66 and will come from the 2016 SPLOST, Account Number 335/1565 – 54.1200. Seconded by Ms. Valerie Anderson. Motion passed (6-0).

**13. COMMUNITY DEVELOPMENT
VALERIE ANDERSON, CHAIRPERSON
Jim Graham, Director**

A. Rezoning – 5581 Davis Drive LL 1301, Parcel 12, of the 19th District, 2nd Section of Cobb County from GC to R-20.

Ms. Valerie Anderson stated the Community Affairs Department has a rezoning of 5581 Davis Drive from GC-R-20 with the stipulations recommended by Planning and Zoning Board of the applicant to be Owner/Occupied with-in 6 months.

Ms. Valerie Anderson stated she would like to turn this over to Mr. Kimbrough, City Attorney for a Public Hearing.

Mr. Kimbrough swore in Mr. John Lutz. Mr. Lutz stated his name and stated he had been on the property for two and one half years. I purchased the property in January of this year. I initially bought the property so I could store my vehicles in the building behind it. I do live in the neighborhood behind it. I have bad knees and I live in a tri-level house. So, I am planning on remodeling this house since it is a ranch style house and I will be moving into it.

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I am not aware of any problems with the house because the power is not turned because I haven't been able to get a wire permit because it is commercial property. It is a residential house which was built in 1948. I wanted to get it rezoned to residential so I could get them to come out and check everything out because I have no idea what works in the house. I may need a little more than six months before I can move in it. Mr. Kimbrough asked if anyone had any questions of Mr. Lutz. Ms. Leverette asked Mr. Lutz if he still had vehicles. Mr. Lutz stated yes, I have collector cars. Ms. Leverette asked what are you going to do with those. Mr. Lutz stated I will keep those in the garage in the back. There is a building in the back and it looks just like a residential house. I am border line commercial on one side and residential on the other side. Mr. Clemons stated so you are aware of the stipulations for the six months but you are saying it may take a little longer. Mr. Lutz stated, yes, it may take a little longer because I do not know what kind of shape the house is in like the air conditioning and I haven't decided how far I want to remodel. Mayor Jerkins stated a building permit is just good for six months but you can renew it. Mr. Graham stated a permit is renewable up to a year. Ms. Valerie Anderson asked Mr. Lutz how many cars he had. Mr. Lutz stated he has four cars and one is not finished. I have just acquired cars over my lifetime and when I retired I really couldn't put them in my neighborhood. I could build a garage in my neighborhood but I am already maxed out on my property size as far as building. I ended up renting property from Sibley Realty and eventually she wanted me to buy it or get out. So I guess I will have to buy it. Ms. Valerie Anderson asked Mr. Lutz if he had power in the back. Mr. Lutz stated yes he did have power in the garage. The house has sat empty for so long and they said after two years they were not able to turn the power on without a wire permit. I have done the initial inspection and it looks like it is up to code but it does have to be checked. Mr. Clemons stated he had visited the site and the garage is a good size garage. Mr. Clemons asked Mr. Lutz if he was going to have more than three to four cars there on the property. Mr. Lutz stated, no, not at all. I am retired and I show cars. I just need a place to keep them that is safe and that is why I bought the property. In the two years prior to purchasing the property I had no problems there. It is a safe and calm neighborhood and I have had not so much as a stick moved out of the yard. Mayor Jerkins asked Mr. Lutz you do have the cars there and they are in the garage. Mr. Lutz stated, yes they are. Mayor Jerkins stated, so you just want to change the property to residential. Mr. Lutz stated, yes that's correct. Mayor Jerkins asked Mr. Lutz if he was going to fix the house up really nice. Mr. Lutz stated he was going to make it a really nice house. I now live in a tri-level house and I have lived there for thirty eight years and I had rather stay close to the neighborhood.

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I have been looking all over Cobb County and I am familiar with the neighborhood and the businesses and I had rather stay in that neighborhood and the area. The property owner had come to me and stated she really needed the money so she needed to sell the property quick. So, I came to the City and asked if this would be feasible to do. Mr. Kimbrough asked if anyone had any more questions. Mr. Randy Green if Mr. Lutz doesn't finish the house in six months, what then. Mr. Kimbrough stated he can reapply for a renewal. Mr. Kimbrough asked if there was any other questions. Mr. Kimbrough asked is anyone present in opposition. No one was in opposition.

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

Ms. Valerie Anderson moved to follow the recommendation of the Community Development Committee to approve the rezoning 5581 Davis Drive LL 1301, Parcel 12, of the 19th District, 2nd Section of Cobb County from GC to R-20. Seconded by Ms. Kirsten Anderson. Motion passed (6-0).

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING
TIME:
LOCATION:

October 11, 2016
6:30 P.M.
Powder Springs Cultural Arts Center
4181 Atlanta Street
Powder Springs, GA 30127

16. ADJOURN

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