

CITY OF MABLETON, GEORGIA

Riverside EpiCenter
135 Riverside Pkwy, Austell, GA 30168
November 09, 2023 @ 6:30PM

The Honorable Michael Owens, Mayor - Present
The Honorable Ron Davis, District 1 Councilmember - Present
The Honorable Dami Oladapo, District 2 Councilmember - Present
The Honorable Keisha Jeffcoat, District 3 Councilmember - Present
The Honorable Patricia Auch, District 4 Councilmember - Present
The Honorable TJ Ferguson, District 5 Councilmember - Present
The Honorable Debora Herndon, District 6 Councilmember - Absent

SPECIAL CALLED

TRANSITIONAL CITY COUNCIL MEETING MINUTES

1. **CALL TO ORDER** Mayor Michael Owens
Mayor Owens thanked everyone for attending. He recognized the veterans in the audience and thanked them for their service.
2. **ROLL CALL** - Quorum was present.
3. **INVOCATION**- Led by Michael Murphy
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA**
Motion was made by Councilmember Jeffcoat to approve the agenda as presented. The motion was seconded by Councilmember Davis. The motion to accept the agenda was approved by the Council unanimously.
6. **PUBLIC COMMENTS**
City Clerk Hiott announced information about the time limit and asked those who spoke to announce their address and district. Those who spoke were:
 - **Monica Delancy** of District 2 spoke about the County's Eviction Court.
 - **Ben Williams** of District 5 commended the Mayor and Council for coming together. He liked the synergy he was seeing.
 - **Joyce Steele** thanked the Mayor and Council for allowing public comment and addressed the need for more communication to the average residents of Mableton.
 - **Patricia Hay** of District 4 commented about the need to get the word out better and noting she was seeing a pattern she did not like. There were 3 councilmembers who tried to be fiscally responsible but were outvoted by Mayor and other councilmembers. She commended Councilmember Auch for being transparent,

measured, and thoughtful. The top three things the people wanted from the council was that they be fiscally responsible, transparent, and honest.

7. **PUBLIC COMMENT:** Transitional Spending Plan – Mayor Owens presented the spending plan presentation. The presentation is available in the record. Highlights of the presentation:
- Mayor Owens addressed how the City of Mableton as a whole and the City Council have worked diligently hard to get the five-month-old city where it is now while working through the basic building blocks of standing of City.
 - The Charter itself was clear in many ways in understanding the challenges of starting a new city. There were provisions throughout the Charter that give leeway during the first two years. One of the leeway's was setting up the fiscal calendar and presenting an actual budget for the City. Many people have indicated they wanted transparency and to know where the money was coming from and going to. He and Council understood the goals of being fiscally responsible and the need to be transparent and direct. Considering putting together the spending plan the Charter says the City **may** put together a spending plan or budget. The City does not have to do one now because of the early phase the City was in now. The timing of the funds and expenditures are not clear, and it is hard to nail down what the budget would be. The spending plan gives an indication of what the budget could look like in the next six months.
 - The spending plan will be effective until the 30th of June 2024.
 - There are a total of 4 phases of plan implementation:
 - Phase One: October 26th – Presentation of YTD Income and Expense to Mayor and Council. There was a presentation on October 26th which showed how the City has brought in \$1.4 million and expenditures going out was approximately \$130,000 (\$121,000 was salary). A payroll system was put in place and the Council and staff were paid back payments totaling \$121,000. The remainder of the expenses were for laptops, devices, and other expenses. \$1.3 million was in the bank. The City was fiscally solid at this point.
 - Phase Two – November 2nd – Summary and delivery of projected income and expense to the public.
 - Phase Three – November 9th – Presentation of proposed spending plan at a public hearing.
 - Phase Four – November 30th – Proposed spending plan to be considered for approval.
 - The plan strongly considers an organic growth plan for the City and its departments/services. The City does not plan to go out and borrow money. Other cities have taken such routes and leveraged millage rates, and taken out loans.
 - The plan includes key leadership staff including City Clerk, City Manager, Finance, HR, Community Development, and IT director.
 - The plan includes three code enforcement officers and two building/permit inspectors in addition to various other roles. This will also include the purchase of vehicles for city use.

- There will be \$200k+ funds set aside for a Comprehensive Plan which will total \$250-\$500k. This \$200k is through June 30th.
- There are contingency funds for professional services and outsourcing of specific efforts as necessary.
- The plan has accounted for all hardware, software and computing items that will be needed to support the City for the duration of the spending plan and beyond.
- The plan will include five to six vehicles for travel focused within the Community Development Department.
- The plan provides for an interim office space of approximately 3,000 square feet calculated at \$28.00/sq. ft. There will also be buildout costs associated with this lease including \$50k and furniture (\$45k).
- The revenue sources for the City include taxes, license and permitting and interest revenues - \$3,798,932.00.
- The expenditures for departments (governing body, city manager, city clerk, finance, legal, code enforcement, technology services, human resources, community development, and building services) \$3,489,779.

Mayor Owens continued to provide information about the proposed revenue:

- Tax Revenue - \$3,546,532.00
 - Hotel/Motel Tax Revenue - \$102,700. The City will be including short-term rentals in the future.
 - Tax Revenue - \$3,546,532
 - Vehicle taxes title ad valorem tax - \$2,250,000
 - Real estate transfer - \$30,000
 - Other intangible fees - \$10,000
 - Franchise tax - \$400,000
 - Business and Occupation - \$350,000
 - Insurance Premium - \$506,432
 - Pen and INT Business - \$100
- Licenses and Permits Revenue - \$147,000 (the City was not currently doing right now but will organically add as City grows). The fees are like Cobb County's fees. This would be plumbing inspection, electrical inspection, mechanical inspection, occupation license inspection, commercial review, subdivision review, variances, demolition, film motion picture permits, garage and race events, Land Disturbance, reinspection, signage, zoning and land use, and yard sale permit fees.
- Proposed spending side was addressed:
 - **Governing Body** - \$433,640.68 including personal services, purchases/contract services for professional services, printing and binding, cellphone, discretionary spending, dues and fees, community programming to get more information out to the public, education and training, commissions/authorities, postage, other expenses, miscellaneous events, and supplies.
 - **City Manager** - \$376,809.91 – Personal services and purchased/contract services. There are professional services for specific short-term talent, and

30,000 specifically for Mableton beautification to make sure effort was funded early on to make the City beautiful. The machine and equipment were to provide furniture and fixtures, etc. for City.

- **City Clerk** - \$143,415.93 – This includes personal services, purchase/contract services to make sure abiding by the law, codification of ordinances, advertising, public notices per Georgia state law, cellphones, education, and training.
- **Finance** - \$266,541.55 - The City was thankful to have Frank Milazi, but in the future the City will hire a finance director. Purchase/contract Services – audits included, cellphones, printing and binding, travel, dues, and fees, etc. The payments to other banks at \$31,2000 but the City does not expect to be that high, but wanted to make sure there were funds budgeted.
- **Legal** – contracted service - \$377,000 – Emilia Walker-Ashby is the interim legal counsel and is a partner with a firm. The City will keep partnering with the company to provide city counseling. With the firm, the City has the actual attorney and leverage to reach inside the firm. The outside counsel allocation (\$123,960) is due to the lawsuit and based on as things stand right now and expected to spend going to June 30th.
- **Code Enforcement** – \$431,490.06 includes personal services (\$184,200.05) for three code enforcement officers. Purchases/contract services including pre-employment drug screen, auto/truck repairs and maintenance, cellphones, travel, dues and fees, education and training, training materials, contracts, and postage (112,840). Supplies (\$12,950) included office supplies, operating supplies, energy, small equipment, uniforms, add miscellaneous. The machinery and equipment included vehicles and furniture and fixtures in space for the code enforcement officers.
- **Technology Services** - \$405,824 – The goal is to keep all any IT elements in that office (software, computer purchases). Being a new City, the City can start off with new technology and be effective and efficient from day one. Make sure training, devices, cybersecurity, data software, data vaulting are captured.
- **Human Resources** - \$175,207.93 total for Personal Services - \$136,707.93, Purchased/Contract Services - \$33,000 and Supplies \$5,200.
- **Community Development** - \$413,954.92 total for Personal Services - \$130,054.92 for including Community Development Director and a business license specialist to get business license off the ground. Purchases/Contract Services - \$277,000 - Contract labor and contingency were built in the budget if need to bring in for outside help within level of quality the residents deserved, and amount of time required. Supplies - \$5,400 and Machinery and Equipment - \$1,500.
- **Building/Inspection Services** - \$331,933.35 total – Personal Services - including two building inspectors - \$120,953.35; Purchases/Contract Services - \$113,400; Supplies - \$15,080 and Machinery and Fixtures – Vehicles furniture and fixtures - \$82,500.

Mayor Owens reiterated that the Code Development, Community Development Department and Building Inspections are the direct departments responsible for bringing in revenues to the City.

Mayor Owens summarized he was presenting an overall proposed spending plan that encompassed projected revenue and expenditures for the next six months. The council have already considered residents' input from emails and calls. The plan is based on information the City has now. It is sound, thoughtful, transparent, and fiscally responsible.

Public Hearing

Attorney Walker-Ashby explained the portion of the meeting was to hear public hearing for 30 minutes. There will not be a question-and-answer period. She asked the audience to provide respect and keep comments in a normal time frame so they can hear the maximum number of people as possible. She provided additional directions for speaking.

Those who spoke were:

- **Speaker one (did not say her name)** showed vested interest in the City of Mableton. She initially had reservations about Mableton being a City, but now supported the plan. She urged the Mayor and Council to prioritize the interests of the cities. It was a great start to being in the city for five months.
- **Sam Culbreth**, chairman of Austell Community Task Force spoke about the thoughtfulness in the plan. He asked that the plan be given to everyone. He would make sure the information is dissimilated to others.
- **Monica Delancey** of District 2 asked about the South Cobb Redevelopment Authority funds, especially the Six Flags Tax District. She spoke about Keep Mableton Beautiful being of utmost importance. She asked for a line item in the spending plan for the eviction crisis and transit tax that impact children learning.
- **Arnetta Cameron** of District 3 expressed the Mayor and Council were doing a wonderful job. She was eager to find out more information. She was passionate about Mableton. It's going to take clear communication and an open mind and support.
- **Dante Philpot** of District 1 of Austell Community Task Force thanked Mayor and Council for their hard work putting the plan together. He asked about the franchise fees and asked it to be explained to the community. There was a lot of misinformation about the fees. He asked if the Mayor and Council could find a way to recoup the legal fees to take some of the brunt off the taxpayers. He addressed if there were cost savings for the use of vehicles such as used vehicles, gently used vehicles. He thanked the Mayor and Council for great job.
- **Michael Murphy** of District 4 commended the Mayor and Council for the spending plan. He asked them to take advantage of all the revenue potential that was out there. He addressed the Magnolia Crossings area. The only thing growing on it was the weeds. It was under the office of the South Cobb Redevelopment Authority. It was a diamond in the rough. He asked the Mayor and Council to look into having the City as a Land Bank Authority. It isn't fair to expect to have a home run over night. He hoped the Mayor and

Council were not looking at a consultant to do a city seal. He bet if hosted a contest of the art students at the schools, they would be amazed at what would see.

- **Patricia Hay** of District 4 was asking about the type of retirement for the employees. Will the City be reimbursing the County for the elections.
- **Councilmember Auch** stated the City was not reimbursing the County for the elections.
- **Ben Williams** of District 5 commented about the City being a start-up corporation. It has no history. He commended the Mayor and Council for a tough plan, but noted there should be equally ready when there are some twists and turns in the road. He commented job well done.
- **Michael King** of District 3 stated he was opposed to the City, but having come to the meeting, he was pleased and impressed by what he saw. He had lived in Mableton for almost thirty years. It is a diamond in the rough. He asked about the code enforcement in Mableton vs that code enforcement of the County. He commented about making the meeting announcements more accessible.
- **Joyce Steele** of District 4 echoed everything that had been said so far. She thanked the Mayor and Council for all they have done so far. She thanked them for their transparency shown so far. She thanked the Mayor and Council for being able to speak. She asked what the community can do to assist with what was going on and stepped up to the plate.
- **Cheryl Davis** of District 5 commented favorably on the ways she finds out about the meetings. She named there was Facebook, Next Door, emails from the City Clerk, and she shares the meeting announcements.
- **Ben Bailey** of District 5 stated he did not see in the budget plan anything about parks and recreation. He knew the government could not be set up overnight but would love to see where parks and recreation would be set up eventually.

Mayor Owens asked if there were any more comments. There was none. It was vitally important to get feedback from the public. He encouraged everyone to email the Mayor and Council with any comments.

He closed the public hearing. (at 7:59 p.m.)

- SECOND READ: Ordinance Amending Chapter 7, Taxes, Fees, and Assessments, of the City of Mableton Code of Ordinances Pertaining to Occupation Taxes.*

Mayor Owens announced the item. He reported he had received some feedback from the community and the Council. He recognized Attorney Walker-Ashby to provide additional information. Ms. Walker-Ashby explained:

- This was continuation of review of the Occupation Tax Ordinance. It was anticipated by the Feasibility Study that provided basis for incorporation. It was critical to transition the component of the code.
- She has had prior discussion and the opportunity to review substantial feedback from the Council and Ms. Robin Meyers and the Mableton Coalition. Ms. Meyers shared with her

some historical challenges and concerns that she and others had had. The City appreciates the feedback to help make the code more efficient.

- The November 2 meeting was the first read to review the ordinance. The ordinance was a lot longer. It was her recommendation to use the County Code so not to have chaos and confusion with the transition. She has removed the regulatory components, making sure the code was practical for the initial implementation.
- The Mableton Charter 7:15 (d) states the code of Cobb County will be enforceable through Cobb County Court through the transitional period. The spas, pawn shops, are still subject to Cobb County ordinances. After the transition, those portions of the Code will be brought back.
- She asked for recommendations and other feedback to her, as she incorporated the feedback. The goal is to make the Code better. She named the three divisions of the Code:
 - General Division
 - Special Permits and Licensing
 - Lawyers and Law Firms

Attorney Walker-Ashby explained how the ordinance will be brought back for a third read. She explained how the final form for adoption that the Charter requires. (1) Have to have a title (2) Subject matter and (3) Specific enacting clause. The Council can adopt additional requirements in the City's ordinances. To introduce a formal introduction of an ordinance, it must be in a public meeting. She recommended the Council look at adopting November 30th or the first meeting in December because the renewal period for businesses was approaching.

Mayor Owens expressed the City wanted to make sure proper notification was given to all the businesses. He asked Council for any comments. There was none. The ordinance will be considered at the next meeting (November 30th) to allow more time for additional feedback.

9. DISCUSSION: Mayor Owens asked for an update on the pending litigation. Attorney Walker-Ashby expressed confidence in the City's position.

10. CITY ATTORNEY COMMENTS – NONE

11. CITY CLERK COMMENTS - NONE

12. CITY COUNCIL COMMENTS (SUMMARY BELOW)

- Councilmember Davis expressed he was proud to serve. He acknowledged and expressed the appreciation of the level of concern and care the residents have for Mableton. He spoke about the potential and talent realized in the City of Mableton. The City can be special because of the special people in Mableton.

- Councilmember Oladapo thanked everyone for coming out and providing feedback and suggestions. A lot of thought went into the plan. It was motivating for the Council to see those who attended.
- Councilmember Jeffcoat thanked everyone for coming out and supporting the City. She explained they don't always agree and there were times when they do agree, and times did not. However, the consensus among them was to move the City forward. We need all hands-on deck. There will be opportunities for volunteers. She thanked the veterans for their commitment and sacrifice.
- Councilmember Auch thanked all who came up for public comment. Democracy depends on participation. Feedback is valuable and the Mayor and Council were listening.
- Councilmember Ferguson thanked the veterans for their service. He spoke about how and when he decided to serve in the military. The military and civil service are the backs on which the country runs. Please place a seed in the young people the need for these careers. Be a neighbor and share your story with the youth. He referenced the Boys and Girls Club of Cobb County where 40 plus people need to be a BIG. If need more information, email him. TJ.Ferguson@mableton.gov.
- Councilmember Herndon was not present but was watching online.
- Mayor Owens spoke about how he heard everyone's comments about communication. It referenced the previous low voter turn-out and how he wanted to have more turnout at the meetings. The emails are up and running. There will be more emails in time. Computers and phones are to be dispersed. He purchased doc. Cards, digital business cards. He wanted to make sure everyone had these cards. He introduced Lily Smith, the Mayor's Executive Assistant. She just started. Part of the presentation was part of her work. As build staff, the City will become more efficient. She came from the City of Kennesaw as Deputy Clerk.
- He spoke about ways the resident could become more engaged. He named various boards and commissions and authorities and committees. Each and everyone will need people to be involved in. There was a sign-up form so people could have the opportunity to be involved. The form will be on Facebook. As soon as the interim website was up and running, it would be on the website.
- Mayor Owens addressed the event that took place, and a survey was carried out about the Riverland Gateway Park located at the corner of Discovery and Mableton Parkway. He will have more information available on the website. This will be impactful on the City.
- He thanked everyone for coming out and thanked the EpiCenter for allowing the City to meet. He thanked veterans for service and commitment. Anyone who would like a copy of the spending plan, please send email to cityofmableton@gmail.com or email any of the Council. It will be on Facebook and the clerk will have. He looked forward to feedback.

13. EXECUTIVE SESSION (IF NEEDED) FOR:

Litigation O.C.G.A. 50-14-3 (b)(1)(A)

Real Estate O.C.G.A. 50-14-3 (b)(1)

Personnel O.C.G.A. 50-14-3 (b)(2)

Exemptions O.C.G.A. 50-14-3 (b)(4) & (5)

The motion was made by Councilmember Oladapo to go into executive session for litigation, real estate, personnel, and any exemptions related matters. Councilmember Auch seconded the motion. The motion carried unanimously. **Yeas:** Davis, Oladapo, Jeffcoat, Owens, Auch, and Ferguson (8:34 p.m.)

Motion was made to close executive session by Councilmember Auch and seconded by Councilmember Ferguson. The motion carried unanimously. **Yeas:** Davis, Oladapo, Jeffcoat, Owens, Auch, and Ferguson (10:16 p.m.)

14. RESOLUTION PROVIDING NOTICE OF INTENT TO COLLECT

Mayor Owens announced the item. He explained the resolution allowed the City to officially notify the County of the City's intent to collect occupational tax. There was a 30-day notice required. City Attorney Walker-Ashby asked to amend the resolution, changing the date in the resolution to December 13th as effective notification day since the following day was a holiday and the 12th was Sunday.

Attorney Walker-Ashby noted the clarification on the notice to transfer to Cobb County:

a. Clarification on Transfer. The City of Mableton, Georgia, does not through this resolution, or otherwise, transfer from Cobb County, Georgia, regulatory authority nor responsibility for:

1. Permitting/licensing for the keeping, sale or storing of alcoholic beverages, and collection of alcohol excise taxes and fines or application fees for the same.
2. The issuance of zoning, building and/or development permits/approvals, certificates of occupancy, and building/development inspections, and fines or application/assessed fees for the same; and
3. Parks and recreation permitting/approvals and assessed fees for the same.

Mayor Owens stated it was key to notify the County and be clear of how to notify the businesses with understanding they will be getting occupation licenses through the City but would have the alcohol licenses through the County. Councilmember Auch stated she was told that Cobb County sent out notices to businesses to renew their licenses. Mayor Owens stated they would work with Cobb County with future notices so that there will be a unified voice. During preliminary discussions with the County, the County agreed.

City Attorney Walker-Ashby reported there was a conversation with the County last week and they are happy to meet and discuss how one voice would go out to eliminate any confusion. After the initial meeting, she received a call from the County indicating they would set up a

meeting to work out the issues. She reported 70 businesses had already paid. When the City meets with the County, there will be a suring up at that time.

Councilmember Auch asked how the resolution would impact code enforcement. City Attorney Walker-Ashby explained right now there is substantially less code enforcement. The County has the ability to enforce all ordinances that regulate the businesses. She explained if someone does something non-compliant, the County has responsibility to enforce it. Per the Charter, if there is difficulty of enforcement, the City has the right to transfer responsibility. There is a lot of flexibility. Councilmember Auch confirmed the County would still be providing enforcement regarding the regulatory ordinances (i.e., Pawn Shops). The City Attorney explained the Charter was very clear that the regulatory ordinances stay in place throughout the transitional period.

Mayor Owens asked for additional discussion. There was none.

There was a footnote that the occupation tax certificate would not authorize businesses to serve alcohol.

Said occupation tax certificate will not authorize a business to serve alcohol. The occupation tax is separate and distinct from an alcohol excise tax. Until the City transfers alcohol licensing, City of Mableton businesses wishing to keep/store/sale alcohol shall additionally and separately apply with Cobb County, Georgia, for the issuance/renewal of licensure to keep/store/sale alcohol and pay any alcohol excise tax and application fee as assessed by Cobb County for the same.

Motion was made to approve the resolution to provide notice to Cobb County of the City's intent to collect occupation taxation transfer responsibility for business licensing, including the changes (December 13th date) and as requested by the City Attorney by Councilmember Ferguson and seconded by Councilmember Davis. The motion passed unanimously.

15. ADJOURNMENT

Motion was made by Councilmember Auch and seconded by Councilmember Jeffcoat to adjourn. The motion carried unanimously.



Mayor Michael Owens

Attest:



Interim City Clerk Susan Hiott