

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, JUNE 1, 2009**

Present: Mayor Joe Jerkins
Kirsten Anderson
Beverly James Boyd
Randy Green
Virginia Reagan
Scott Thomas
David "Bo" Traylor

The regular meeting of the Mayor and Austell City Council was held on Monday, June 1, 2009 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; 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. Reverend Doc Frady 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 one did.

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 \$1,726.74
- C. Approve Minutes of Regular Meeting May 4, 2009

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mr. Traylor stated he would like to announce a Road Closure Alert. Flint Hill Road would be closed to thru traffic between Warren Drive and Perkerson Mill Road beginning Wednesday, June 3, 2009 through Monday, August 31, 2009.

The actual point of closure is on Flint Hill Road approximately 155 feet south of Warren Drive and approximately 400 feet north of Perkerson Mill Road. This closure is necessary due to the installation of a new culvert to alleviate flooding.

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Detour Route:

- From Flint Hill Road at Clay Road will be Clay Road (east) to right on Austell Road (south) to right on Perkerson Mill Road (west).
- Detour route from Flint Hill Road at Perkerson Mill Road will be Perkerson Mill Road (east) to left on Austell Road (north) to left on Clay Road (west).
- A third route that we mentioned earlier would be Jones Road right off of Perkerson Mill Road and this will carry you through to Bankhead.

This project is being funded from the 2005 Transportation Improvement Program (One percent Special Purpose Local Option Sales Tax).

Ms. Boyd stated to everyone there is a copy of this in the lobby if anyone would like one.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated Mr. Kimbrough attended the gas meeting and the Board discussed and adopted the rate schedule for this billing period. I am happy to announce this is the 10th month in a row of decreases in gas prices. Also, the C.A.M.P. issue was dealt with and they are going to institute a procedure in about sixty days to get the software in place and this will allow the billing system procedure to allow the citizens to donate 1,3, or 5 dollars to the C.A.M.P. fund and the system will match up to twenty-five thousand dollars per year.

**7. FINANCE DEPARTMENT
BEVERLY JAMES BOYD, CHAIRPERSON
Denise Soesbee, Director**

- Financial Report
- Budget 2009-2010 – 2nd Reading

Ms. Boyd stated at this time she would like to turn the Public Hearing over to Mr. Kimbrough. Mr. Kimbrough stated at this time he would call for Public Hearing for the Fiscal Year 2009-10 Final Budget (2nd Reading).

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Ms. Boyd stated that a copy of the 2009-10 Final Budget is on the table for your review. This document will be presented to Council for vote at the June 1, 2009 Council Meeting. The City's operating budget decreased from \$11,520,351 to \$11,354,572 which is a difference of \$167,779 over last year. This change in budget proposals includes, but is not limited to the following:

1. There is no cost of living increase for existing employees in this budget proposal.
2. We have included a 19.1% increase in employee healthcare premiums. This will cost the City approximately \$139,000 city wide.
3. Debt service has decreased by approximately \$202,000. This decrease is the result of the Water/Sewer bonds being paid off. Also included are the installment payments for vehicles purchased in FY2008 for Police, Fire, and Public Works.
4. We have included amounts required to be transferred from the General Fund for excess Threadmill Complex expenditures of \$224,310 along with the amounts required to be transferred from the General fund for excess E-911 expenditures of \$378,122.
5. Our 2009-10 liability insurance estimates from GMA have been reduced by approximately \$43,000.
6. This 2009-10 budget proposal includes four new funds. The first is the Grant Fund (250) which includes the City's CDBG funds for playground equipment and fire purchases. The second fund is a SPLOST fund for Douglas County. These funds are restricted for park improvement projects. The third fund is Stormwater Management Fund (510) which was separated from the water fund into a fund of its own. And finally the Solid Waste Management Fund (540) which was also separated from the General fund into a fund of its own. These changes have been requested by our auditors.

Please review the attached 2009-10 Fiscal Budget. The Finance Committee will be available for questions regarding the 2009-10 budgets when requested. Ms. Boyd stated she would turn the public hearing back over to Mr. Kimbrough. Mr. Kimbrough asked if anyone had any questions of the final budget. Mr. Kimbrough stated at this time we need a motion to close the public hearing.

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Ms. Boyd moved to follow the recommendation of Mr. Kimbrough to close the public hearing for the second reading of the Fiscal year 2009-10 Final Budget Reading. Seconded by Mr. Traylor. Motion passed (6-0).

Ms. Boyd moved to follow the recommendation to accept the Fiscal Year 2009-10 Final Budget. Seconded by Mr. Thomas. Motion passed (6-0).

**8. GENERAL ADMINISTRATION
RANDY GREEN, CHAIRPERSON
Carolyn Duncan, Director**

A. Health Insurance 2009 – 2010

Mr. Green stated he would turn over the discussion of Health Insurance to Ms. Carolyn Duncan, City Clerk to explain. Ms. Duncan stated the General Administration Committee met on Wednesday, May 27, 2009 to discuss proposals for renewal of the health insurance coverage for the City employees.

After looking at the three proposals presented, which were Heritage Corporate Benefits, Chip Boyd as the Broker, BeneSource, LLC; Michael Lank as the Broker and Strategic Benefit Solutions, Jim Piccirillo as the Broker, the committee was in agreement to select the broker only at this time to represent the City of Austell in negotiations with the insurance carriers.

The Committee recommends the selection of Chip Boyd of Heritage Corporate Benefits to represent the City of Austell.

Mr. Green moved to follow the recommendation of the General Administration Committee to approve Chip Boyd, Heritage Corporate Benefits as our Broker for the upcoming year. Seconded by Ms. Reagan. Motion passed (5-0) 1 vote abstained.

**9. POLICE DEPARTMENT
DAVID “BO” TRAYLOR, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report

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C. Alcohol Sales Violation – Margarita’s Mexican Restaurant

Mr. Traylor stated on February 20, 2009 an employee of Margarita’s Mexican Restaurant sold alcohol to a minor. This employee, Anglica Munoz was charged with Alcohol Sale to a Minor and Work Permit Violation (Selling alcohol without a permit).

This employee did not show up for her Court appearance, and has an outstanding Bench Warrant on her at this time. This employee is not currently employed at Margarita’s Mexican Restaurant.

According to the City Attorney, Scott Kimbrough, a hearing can be held on the status of Margarita’s City Alcohol License, without a Court disposition of the person charged with the actual illegal sale.

A copy of the incident report is attached.

At this time Mr. Traylor turned the Public Hearing over to Mr. Kimbrough. Mr. Kimbrough asked who would be representing the City, Chief Starrett stated he would. Mr. Kimbrough asked who would be speaking for Margarita’s Restaurant. Mr. Erick Toso stated he would speak and he was the owner of the restaurant. Mr. Kimbrough swore in both Chief Starrett and Mr. Toso.

Chief Starrett stated on February 20, 2009 we had an alcohol compliance check and a lady by the name Anglica Munoz sold alcohol to a person used by the Police Department who was underage at that time and she served alcohol to this person. She was charged with this and has not appeared for her court date and there are outstanding bench warrants on her at this time. I spoke with Mr. Kimbrough and decided to have this hearing tonight even though we can’t find her because this is kind of separate anyway because it is a civil process. She was an employee at Margarita’s Restaurant at that time and hasn’t been back so I don’t know if Mr. Toso terminated her at that time or what. Mr. Toso stated she was hired by my sister and her husband at the restaurant. Mr. Kimbrough stated to Mr. Toso to please wait to give his story and Mr. Kimbrough asked if anyone had any questions for Chief Starrett. Mr. Kimbrough also asked Mr. Toso if he had any questions for Chief Starrett. Mr. Toso stated no, he did not. Mr. Kimbrough asked Mr. Toso to please continue.

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Mr. Toso stated he was in the restaurant the day it actually happened and I knew they were going to do a sting in my restaurant and I could see them in the parking lot. It just so happened they called me to the back of the restaurant and had a family feud and I thought I had time to get back up front. The kid came in the restaurant and ordered a drink she actually carded him and asked for an I.D but she didn't get the year right and proceeded to give him a drink. After that I was told by the officer that she couldn't work at the restaurant anymore. I then told my sister I was sorry about her but there is nothing I can do she would have to go. I am new in the business and I didn't know what was going to happen next. The bottom line is she came and got her check from us and basically we don't know where she is as well. I feel bad and I do apologize to the Mayor and Council because I am trying to build my restaurant as a legit clean business and this what I want to build it on. I have told my employees how important it is for our safety and our community. And, now here I am tonight and I just want to make sure I follow through with my part. Mr. Kimbrough asked if anyone had any questions. Ms. Boyd asked Mr. Tosos how long have you been in business? Mr. Toso stated he opened in December 2008 which will be about six months. Ms. Boyd asked where the restaurant was located and was told across from the post office. Ms. Boyd asked if he had any priors on the restaurant. The answer was no priors on this restaurant. Ms. Anderson asked if he had anywhere in his business a sign showing the employees the dates or the year to look for and reminded daily this is the year to look for. Mr. Toso stated he felt like he had another family in his business to repeat himself to his employees we have to do this we have to that. Everybody tells me yes, we will do it and I have another job and other things going on right now. My goal one day is to run the restaurant full-time. I like it and I like to deal with the customers and I know some of you guys visit the restaurant and it's a natural thing for me. But, I keep telling them to do this and that and since the incident happened I call them everyday to make sure they are not doing that again. I will make sure we buy a calendar. Ms. Anderson stated she could see how they could get busy and the customer shows you an I.D. and they are not thinking about the dates. But if there is a reminder in front of them this would help. Mr. Toso stated he had told his employees he would put a sign on the tables stating they check I.D.'s and this would help. I have also told my employees we need to have an affordable lunch for the City and the residents of Austell. We have just done that now and it took me five and half months to make them understand that we are a business and want to be profitable and we want to make money as well. We also want to take care of citizens and hard working people. This is my goal to do the right thing. I promise you I will be in the restaurant everyday.

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Mr. Kimbrough asked if anyone had any further questions. Ms. Reagan stated she had a question for the Chief. Ms. Reagan asked Chief Starrett if Kathy with the Drinking Task Force doesn't have a lot of literature and posters on the subject. Chief Starrett stated she did have classes on this. Ms. Reagan suggested to Mr. Toso to contact Kathy and she could help with the problem. Chief Starrett stated there is a program you can actually put on your cash register and you go to the cash register and enter the date before you serve the drink. A lot of the major stores do this. Ms. Boyd stated she had heard a lot of nice things about the restaurant and how he had cleaned it up and trying to have a family oriented establishment and I did want to share this with you. Mr. Toso stated he had been told about the previous owner and of the past restaurant there and some of the experiences. I am certain we are on the right track. We scored ninety-three (93) with the health department and we should have scored a hundred it was minor. My goal is to have an A on my health department report every time. I want everyone to feel my food is as good as everyone else if not better. Mr. Kimbrough asked if anyone had any more questions. No one had any questions.

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

Ms. Traylor moved to follow the recommendation of the Police Committee to issue 3 months probation for Margarita's Mexican Restaurant. We reviewed other establishments we went to K&H, Citgo back in 9/11/2000 and we gave them 3 months probation. South Cobb Package Store, 04/07-2003 we gave them 3 months probation and this information was provided to us by Ms. Reagan. Seconded by Ms. Boyd. Motion passed (6-0).

D. New Police Vehicles

Mr. Traylor stated the Police Department has received bids on new patrol vehicles. The bids are for Fords and Dodges. The intent is to purchase two Ford Crown Victoria vehicles and one Dodge Charger. These vehicles would be fully equipped. The lowest bid was received from Akins Ford/Dodge.

The total cost from Adkins Ford/Dodge is \$107,404.00 a copy of the bids is attached. We have a hundred thousand dollars from the A.A.C.I.C. Austell Area Community Improvement Committee and we will need the remainder from the contingency fund to be transferred to Police Department Acct.#100/3210-54.2200. Budget Amendment transfer will be required.

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Mr. Traylor moved to follow the recommendation of the Police Committee to approve the new police vehicles. Seconded by Ms. Reagan. Motion passed (6-0)

E. Two New Detective Cars – Grant Proposal

Mr. Traylor stated the Police Department has applied for a grant under the Stimulus Recovery Act asking for two Detective vehicles equipped with crime scene equipment. If this grant is received, the Police Department would be awarded these vehicles and equipment, valued at \$40,458.00

The Police Department requests Council to approve this grant proposal.

Mr. Traylor moved to follow the recommendation of the Police Committee for Council to approve this grant proposal. Seconded by Ms. Reagan. Motion passed (6-0).

**10. FIRE DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief**

A. Fire Report

B. Unsafe Building Abatement Update

Mr. Thomas stated in March of 2009, the Mayor and City Council reviewed the recommendation to abate three properties located in the City of Austell. The most current status of each property is as follows:

3002 Veterans Memorial Highway

Mr. Willie Polston, the owner of this property, obtained the demolition permit and has removed the structure from the lot as the City Council had stated. No further action is recommended. The City of Austell did not incur any costs for the demolition.

5575 Old Marietta Road

The Austell City Council voted to give the property owner, Mr. Bill Braswell, a six month period of time to repair this home from fire damage. The structure must be repaired to meet all applicable building codes. The owner has purchased the proper permits to begin repairs.

In speaking with Mr. Braswell on May 27, 2009, he advised that electrical bids had been obtained and that work would begin in the next couple of weeks.

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He added that the dumpster had been removed and that the lawn was being maintained. I reminded him that the work needed to be completed within the next three months per order of the City Council. As of this date, the repairs have not been started.

2442 Brooks Drive

The property owner, Mr. David "Bo" Traylor, was given a 90 day period of time by the City of Austell Council to take action to remove the structure from the property. The City Council asked that the structure be secured (boarded up) until the owner has the structure removed. The owner has taken action and secured the structure.

In speaking with Mr. Traylor on May 27, 2009, he advised that notification has not been received from GEMA for the required elevation certification survey which reimburses the property owner. Mr. Traylor will ask Mayor Jerkins and City Council for a ninety day extension in order to resolve this matter.

May Abatements

In May of 2009, the Mayor and City Council reviewed the recommendation to abate an additional three properties located in the City of Austell.

The most current status of each property is as follows:

6016 Pine Street

The property owner, Mr. Scott Miller, was given 60 days to report of progress on this structure. In speaking with Mr. Miller on May 28th, he advised that the front porch has been repaired. Also, the roof repair is currently underway. He added, that the roof should be completed in time for the mandated report at the July 6th Council Meeting.

5870 Love Street

The First National Bank representatives initially reported that they planned to demolish three of four existing structures located on the property. They planned to renovate the Smokehouse Deli building. Bank representatives also indicated that they would be interested in an offer from our City.

On May 27th, the City of Austell made an offer of \$20,000 to purchase the property. The same afternoon, a bank representative accepted the offer from the City. Attorney Leo Clifton has been contacted and will work toward closing the purchase of this property for the City of Austell.

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5706 Mulberry Street

The property owner, Mr. Charles M. Perry, was given six months to complete renovations on this structure. Mr. Perry was reminded to report to Fire Chief Williams by the first of each month on what progress has been made towards completion. In addition, the City Council ordered Mr. Perry to immediately clean the yards within the next ten days.

As of the 29th of May, Mr. Perry has not contacted me. I left a message on his answering machine on the 29th of May asking Mr. Perry to give an update of progress on the structure. Mr. Perry returned my call and advised that due to all the rain, he has not been able to get as much done as he would like. He added that work on securing the structure would be done over the weekend (May 30th and 31st).

From the exterior it appears that some of the roofing material waste has been picked up in front of the structure. Also, a small area of grass has been mowed.

Chief Williams asked Mr. Thomas about the Brooks Drive property Mr. Traylor had asked for another extension due to the notification of GEMA concerning the required elevation certification. He is not able to remove the structure and he is still involved with the GEMA folks as far as reimbursement if he tears the structure down. Mr. Traylor has asked for an extension. Mr. Traylor stated he had received today a letter from GEMA stating he needed to ask for a ninety day extension. He stated, I did find a certified flood elevation survey to accompany all the other paperwork I have already submitted. They did receive my paperwork and at this time I would like to ask Council for a ninety day extension.

Mr. Thomas moved to follow the recommendation of the Fire Committee to give Mr. Traylor a ninety day extension. Seconded by Ms. Reagan. Motion passed (6-0).

Ms. Boyd stated she would like to ask a question on Marietta Road, the owner may have his permit but there hasn't been any activity over there at all so Chief Williams you have talked with him in person? Chief Williams stated, yes, he had talked with him and he advised that he had obtained his electrical bids and the work would begin in a couple of weeks. He also told me he had been taking care of the yard work. Ms. Boyd asked Chief Williams if he was going to check it again. Chief Williams stated, yes, he would. Ms. Boyd stated it will take him a good long while to get everything done.

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We certainly don't want him coming back to Council asking for a ninety day extension. When did we first tell him, Chief Williams? Mayor Jerkins stated it has been three months ago. He has been reminded of that and that he has ninety days remaining. Ms. Boyd stated he said he needed six months and he has wasted three months already and that is my point. I had a call today and this is why I want to get all the information I could. Ms. Boyd stated we gave Mr. Perry six months and have we seen any activity over there. Chief Williams stated Council had asked him to follow-up with Mr. Perry on a monthly basis. I did so, and left him a message and he called me and advised me the rain had hampered his progress thus far. He added he would be doing some work over this past weekend and he did do some work this past weekend. He cut some bushes back and removed some the roof debris in the yard. One of the main points I made to him was making sure the structure was secure so that children or anyone could not easily enter the structure. On my recorder he told me he would do this. Ms. Boyd stated she was concerned because after our last council meeting it looked like he just put garbage out front and left it there. It looked worse instead of better. Chief Williams agreed. Ms. Boyd stated she would like to thank Willie for getting his property completed. Mayor Jerkins asked if the dumpster was still there. Willie stated the dumpster was to be picked up this morning.

**11. PUBLIC WORKS DEPARTMENT
DAVID "BO" TRAYLOR, CHAIRPERSON
Randy Bowens, Director**

1. Public Hearing:

A. Presentation for Solid Waste Management Plan by Mike Warrix, Keck and Wood, Inc.

Mr. Traylor stated he would like to turn the Public Hearing for Solid Waste Management Plan update to Mr. Kimbrough. Speaking on behalf of the City of Austell will be Mr. Mike Warrix of Keck and Wood, Inc. Mr. Kimbrough asked if anyone else was present to speak on this matter. No one was present other than Mr. Warrix. Mr. Kimbrough swore in Mr. Warrix.

Mr. Warrix stated he did not have an elaborate presentation to present to the Mayor and Council. This will be the first of two Public Hearings for the updated Solid Waste Management Plan.

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That plan is required by the Georgia Comprehensive Solid Waste Management Act of 1990. The City prepared the initial plan in 1994 and completed a required update in 1999 in the year 2000.

It is time again to update this is draft plan and this is what we are doing. I think in your packet there is an outline of your different components in your plan. There are three different primary areas we are looking at recycling and waste reduction, collection and the disposal of waste that is collected in the city. If you remember, the comprehensive planning process is a very similar process consisting of an inventory. Basically, look at what you currently do in terms of recycling for example and look at projections of waste amounts that can be expected to be generated for disposal and also look at current disposal practices and ask the question will those current practices be adequate for ten years which is the horizon of the new plan. This is the first of two required public hearings and we will have another public hearing and we have a draft plan put together. After that public hearing it will be submitted to the Atlanta Regional Commission who will review it for consistency with the State plan standards. After they approve it will come back here, hopefully this fall maybe in September or October. You will then officially adopt the plan and it will be good for the next ten years. You will have to do a five year update but the next major update will be in ten years. If you have any questions, I will be glad to answer them. Mr. Kimbrough asked if anyone had any questions of Mr. Warrix. No one had any questions.

Mr. Traylor moved to follow the recommendation of Mr. Kimbrough to close the public hearing. Seconded by Ms. Anderson. Motion passed (6-0).

Ms. Boyd asked what the cost would be to do the study and to bring us up to date. Mr. Warrix stated he thought their fee would be \$17,000.00. To do the major plan update I believe it will be that amount. The five year update is much simpler it is basically a spreadsheet that you update and it is an award program of the things you plan on doing over the time period of the plan. This is a ten year update which is a little more extensive in terms of work effort. Mayor Jerkins asked if anyone had anymore questions. No one did.

Mayor Jerkins moved to follow the recommendation of the Public Works Committee to approve the First Public Hearing for Solid Waste Management Plan. Motion passed (6-0).

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2. Recommendation and Approval:

B. Public Opinion Survey

Mr. Traylor stated as part of our stormwater management program and our ongoing study, our office will be conducting a public opinion survey. The survey will be used as a guide for implementing additional educational materials and public outreach where needed.

The survey will be posted on the City's website. The attached survey will be included in the next utility billing for those that do not have access to the Internet. There are four pages in your packet for your review.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Public Opinion Survey. Seconded by Mr. Thomas. Motion passed (6-0).

C. Edith Street Sidewalk Project

Mr. Traylor stated as part of the 2005 Transportation Improvement Program – Special Purpose Local Option Sales Tax, Public Works has received one bid for the Edith Street sidewalk, as follows.

Classic Curb, Inc.	\$9,744.00
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This project will consist of the installation of approximately 3,248 square feet of 4 foot wide sidewalk.

The Public Works Committee recommends waiving the three (3) bid rule for this project since Classic Curb, Inc. has completed several similar projects for the City in the past. The total cost for this project will be \$9,744.00 and funds will come from the 2008/2009 fiscal year budget, SPLOST (325) DOT Projects (4210), Infrastructure (54.1400).

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Edith Street Sidewalk Project. Seconded by Mr. Thomas. Motion passed (6-0).

D. Surplus Sale

Mr. Traylor stated the Public Works Committee recommends to surplus vehicles and other miscellaneous items currently owned by the City of Austell. Following is a list of items to be surplus.

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1967 Ford Pumper	1996 Buick Century
1975 GMC V8 700 Garbage Truck	1997 Chevrolet
1987 Ford F800	1997 Ford Ranger
1990 Ford F250	1997 Ford Ranger
1992 Cutlass	1997 Oldsmobile
1992 Oldsmobile	1998 Ford Ranger
1993 Ford F150	1999 Ford F150
1996 Buick Century	1999 Ford F150
Miscellaneous Computer Supplies and Office Products	

The Public Works Department would like direction from the City Council whether to conduct the auction by sealed bid or publicly outloud.

The surplus auction will be held at Austell Public Works on Friday, June 26, 2009. Registration will begin at 9:00 AM and the auction will begin at 10:00 AM. A public notice will be placed in the Mareitta Daily Journal for two (2) weeks listing the items to be surplus.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Surplus Sale and to conduct the auction by publicly outcry. Seconded by Mr. Thomas. Motion passed (6-0).

Mr. Traylor moved to amend his motion for Chief Starrett to add (2) two police cars to the surplus list. Seconded by Mr. Thomas. Motion passed (6-0).

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

A. No Report

**13. COMMUNITY DEVELOPMENT DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Jim Graham, Director**

A. No Report

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14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE: JUNE 9, 2009
TIME: 6:30 P.M.
LOCATION: KENNESAW

B. Telephone & Telegraph Ordinance

Mayor Jerkins stated we need a motion to approve the Telephone & Telegraph Ordinance.

Ms. Boyd moved to follow the recommendation to give Mayor Jerkins the authority to sign this draft on behalf of the City of Austell the Ordinance for the Telephone & Telegraph pursuant to O.C.G.A. 46-5-1 et seq. as amended in 2008 by Senate Bill 379 (the "amended law") to collect due compensation from telegraph or telephone companies that maintain and operate lines and facilities occupying municipal streets and rights of way equal to no more than 3 percent of actual recurring local service revenues received by such company from its retail, end user customers located within the corporate boundaries of the city of Austell. Seconded by Mr. Thomas. Motion passed (6-0).

C. A.A.C.I.C. Grants

Mayor Jerkins stated the Austell Area Community Improvement Committee met in my office on Tuesday, May 26th. The purpose of the meeting was to request funds from the interest paid on the \$5,000,000 railroad money that was given to the City of Austell. Currently, there is \$730,000 in interest.

I have asked the Committee to grant money for the following items:

1. Purchase of three (3) new Police Cars \$100,000
2. Grant of \$10,000 each to the following Schools:
Austell Primary, Austell Elementary, Clarkdale
Elementary, Garrett Middle School and South Cobb High School \$ 50,000
3. Purchase walk-in freezer for C.A.M.P. \$ 25,000

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| 4. Purchase the Smokehouse deli and the surrounding property from the bank. | \$25,000 |
| 5. Grant of \$2,500 to Austell churches | \$45,000 |
| 6. Grant of \$2,500 to B.I.G.
(Babyland Improvement Group) | \$ 2,500 |

The committee unanimously voted to approve items 1,2,3,4, and 6. Pastor Doc Frady did not vote on item 5.

Mayor Jerkins stated the total amount is \$247,500.00. We have a listing of the churches which is eighteen 18 churches. (Please see attached list).

Ms. Boyd moved to follow the recommendation of the A.A.C.I.C. Committee to approve the above list of items taken from the interest earned on the Railroad money. I amend my motion to give the Mayor the authority to hire Leo Clifton as the attorney and to sign all documents. Seconded by Mr. Thomas. Motion passed (6-0).

16. ADJOURN

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