

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
SEPTEMBER 8, 2008**

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, September 8, 2008 at 7:00 P.M. at City Hall.

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

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order. Pastor Bill Shattles, of Friendship Baptist Church 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. Ms. Reagan stated she would like to add 9E. – Crime Stoppers – Host Meeting, 9F. – Nana’s Fish-N-Wings. Mr. Traylor stated he would like to add 11D. – Spring Street and Line Street Road Resurfacing.

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve items added to the agenda. Seconded by Mr. Thomas. Motion passed (6-0).*

Mayor Jerkins stated a reception took place earlier this evening honoring Dr. Luke Garrett and Louise Suggs. Mayor Jerkins stated we have some important people here tonight and I would like to introduce them at this time. We have Chairman Sam Olens from Cobb County, Stewart Reid, former Mayor of Austell, J.L. Brooks, previous Council Member and served with Dr. Garrett when he was Mayor and he was a very close friend and he also knew Louise Suggs. We also have Patty and Luke Garrett. We also have Patty’s husband Delton, their daughter and grandson. Doc Frady and his wife Jan are present and we appreciate you all being here. Mayor Jerkins thanked them all for attending the reception.

**2. CONSENT AGENDA – INFORMATION AND UPDATE**

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

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**3. CONSENT AGENDA**

- A. Approve Bills
- B. Approve Legal Bills \$1,589.51
- C. Approve Minutes of Regular Meeting August 4, 2008

*Mr. Traylor 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**

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

**6. GAS SYSTEM REPRESENTATIVE**

**JOE JERKINS**

Mr. Kimbrough stated Mr. Dupree attended the meeting and regular business took place. Mr. Kimbrough stated the gas rate was adopted.

**7. FINANCE DEPARTMENT**

**BEVERLY JAMES BOYD, CHAIRPERSON**

**Denise Soesbee, Director**

- A. Financial Report

**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

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- B. Code Enforcement Report
- C. Camera System – Information Only

Ms. Reagan stated on April 2, 2007 Council approved a camera system to be installed in and around the Police Department by NU-TECH-USA.

This has been a lengthy process. The final installations are occurring at this time. Additional costs total \$4,699.60. A copy of the invoice is attached.

The Police Committee requests Council to approve payment.

\$1,199.60 will be paid out of Account #54.2500 Department #100/3226 (Other Equipment), and \$3,500.00 will be paid out of Account #54.2500 Department #100/3210.

- D. Fat Cats – Extending Hours Request

Ms. Reagan stated at the regular Council meeting on August 4, 2008, I failed to include Sunday in extending the business hours that Mr. Estes had requested.

To correct that mistake; the Police Committee moves to extend the business hours for Sunday from 12:30 p.m. until 2:55 a.m. (Monday).

Ms. Boyd stated she had been thinking about this since pre-agenda when this was discussed. I have great concerns when we would allow a business in Austell to stay open after 12:00 on Sunday night. They open at 12:30 after church on Sunday and to allow them to stay open until 2:55 a.m. on Monday. I just don't think it's the right kind of atmosphere for our city and I don't think it is what we want to attract for the City of Austell. Again, I would like to share with you some facts and what I shared with you before. In the City of Austell they allowed us to open on Sunday at 12:30 till 12:00 p.m. at night. The City of Acworth has no Sunday sales. Marietta is from 12:30 till 12:00 p.m. on Sunday night. Powder Springs is from 12:30 till 10:00 P.M. on Sunday night. Smyrna is from 12:30 till 12:00 p.m. on Sunday night. Cobb County is from 12:30 till 12:00 p.m. on Sunday. Douglas County is no serving alcohol on Sunday. The City of Douglasville is 12:30 p.m. until 10:00 p.m. on Sunday. The excuse that Mr. Estes has of the customers leaving his business and going to another business is not true.

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We follow Cobb County on their zoning, on their water restrictions, and planning. I don't know why the Council would want to open this establishment up until 2:55 a.m. in the morning.

I think we are trying to raise the bar in this City of Austell with beautification, in the size of homes and lots. Mr. Estes has a great business and he does a great job. We allow him to stay open on Friday and Saturday night late. I do think this will cultivate an atmosphere that we don't want to attract in our city. The excuse that was given to us was everybody else is doing it and folks, everybody is not doing this. I just don't think it's the right to do. We need to try and attract quality businesses. Furthermore, I don't believe our community wants a business to stay open till three o'clock in the morning on Sunday.

Ms. Anderson stated she would like to comment. I have been down the street talking with residents who live close to Fat Cats. Many of them have said the noise does not bother them it is the cars starting up when the place closes and horns honking and I think we need to show respect to these residents as they well deserve.

Ms. Reagan stated the City of Douglasville closes at 3 a.m. on Sunday. Ms. Anderson stated I have just checked with Douglasville to day and your information is incorrect. Ms. Reagan stated Smyrna has a late hour permit allowing businesses to stay open till 4 a.m. Ms. Anderson stated she was sorry but she spoke with Jim Cox this morning and he said they close at 12:00 p.m. The only exception would be on New Year's Eve. Mr. Thomas stated we debated all of this at pre-agenda meeting, and I would appreciate it if we could get on with the vote. Ms. Anderson stated, yes, we did debate it at pre-agenda and the argument was Fat Cats was losing business and you used Apollo by Big Lots as an example because they were allowed to stay open later. After looking at Cobb County Code we saw that was not true they do close at midnight. This is my argument about Sunday sales and this is my problem about this whole situation. The original problem was Fat Cats losing business to Cobb County businesses and this is not true. Mr. Thomas asked Mayor Jerkins if they could go ahead and vote now. Mayor Jerkins stated he was giving everyone a chance to speak their opinion. Ms. Boyd asked Mayor Jerkins how he felt about this matter. Mayor Jerkins stated he did not vote unless it was a tie, but he felt like we should stay with Cobb County.

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Ms. Reagan stated it is not anything we can't undo. If it is a mistake we can correct it. Ms. Anderson stated it is a lot easier to do it right the first time.

Ms. Anderson stated according to what we are attracting to the City of Austell allowing us to have the most liberal alcohol this side of Cobb County and including Douglas County because they are right next door.

Ms. Boyd stated Douglas County does not serve alcohol. Ms. Reagan stated, but, Douglas City does. Ms. Boyd stated I think we should follow Cobb County.

Ms. Boyd asked Mayor and Council if everyone thought it right if Mr. Traylor voted since he was family. Mr. Traylor stated Mr. Estes was a distant relative of his wife. Ms. Boyd stated he recused himself when it was anything to do with Carastar. Mr. Traylor stated he would recuse himself.

*Ms. Reagan moved to follow the Police Committee to approve the extended business hours for Sunday from 12:30 p.m. until 2:55 a.m. (Monday). Seconded by Mr. Thomas. Motion passed 3- 2 against and 1 abstained.*

**E. Crime Stoppers – Hosting a Meeting**

Ms. Reagan stated the Austell Police Department is a member of Crime Stoppers, a Metro organization associated with other agencies and the news media working together to solve crimes.

A request has been made for Austell to host the October meeting, on October 14, 2008 at 10:30 a.m. at the Community center. The Community center is available.

There will be a cost to provide breakfast, which will come from the Police Department funds.

The Police Committee requests Council to approve the funding of this meeting.

*Ms. Reagan moved to follow the recommendation of the Police Committee to approve the funding of this meeting. Seconded by Mr. Thomas. Motion passed (6-0).*

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F. Nana's Fish-N-Wings

Ms. Reagan stated Mr. Nana was present to appeal the Mayor and Council decision to serve alcohol at his establishment.

Mr. Kimbrough stated the Council needed to resend their decision and re-open their application based on the day care center and the decision the Council made at that time involving the distance from the day care center.

The day care center does not offer a State certified pre-k or any type of educational based program that is recognized as a class. Therefore, another request is needed and the council should vote again and this is the proper procedure.

*Ms. Reagan moved to resend the decision we made in August at our regular council meeting to deny license to serve at Nana's Fish-N-Wings. Seconded by Mr. Thomas. Motion passed (6-0).*

*Ms. Reagan moved to approve the serving license for Nana's Fish-N-Wings based on the information Mr. Kimbrough has given us. Seconded by Mr. Thomas. Motion passed (6-0).*

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

A. Fire Report

Chief Williams stated he would like to report on the Boot Drive. The Boot Drive in May raised \$6,094.50 and the MDA (we were on the telethon the other day). Raised \$5,846.00 for a total of \$11,940.50.

Chief Williams stated he would like to report on the Abatement on Shannon Drive. The lot has been cleared for the most part. There is an out building and I spoke with Mr. Quarterman's son and he assured me the out building will be cleared off the property in a couple of weeks. I told him if not, we would have to come back before the Council the next meeting. Mr. Green stated one of the neighbors mentioned there was a well on the property. Mayor Jerkins stated he had walked out there and it looked like it had been filled in and kind of caved in a little bit. Mayor Jerkins stated we would have to find out the information on this property.

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Ms. Boyd stated the lot between the house that was demolished and the next house going east. That lot belongs to him as well, and it needs to be cleaned up. It is very unkempt with old cars and debris. The lot has not been kept up in the last five years.

**INFORMATION ONLY:**

- B. Fire Station 1 / Bathroom and Office Renovation
- C. Purchase of Refurbished 12 Lead Defibrillator
- D. Firefighter Fitness Testing

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

**1. Recommendation and Approval:**

A. Adoption of 2008 / 2009 Water Rate Schedule

Mr. Traylor stated it is the recommendation of the Public Works Committee to accept the following water rate increases as proposed by Keck & Wood, Inc. to become effective October 1, 2008. The governmental contractual water rate would be increased by 38.5 percent, or \$0.50, per 1,000 gallons. This rate increase is in lieu of the planned 15 cents to 17 cents increase programmed rate for January 1, 2009. Cobb County-Marietta Water Authority advises the change is needed to ensure future water supply for the region.

The City’s revenue bond ordinance requires the system income generate debt service, operations and maintenance costs, plus debt service coverage of 20 percent. Considering the coverage factor, water rates would be adjusted upward \$0.60 per 1,000 gallons to recognize the latest change Cobb-County-Marietta Water Authority’s rates.

<u>Inside City:</u>	<u>Current</u>	<u>Proposed</u>
First 2,000 gallons (minimum bill)	\$4.82	\$6.02
2,001 gallons to 7,000 gallons	\$2.48	\$3.08
7,001 gallons to 15,000 gallons	\$3.11	\$3.71
15,001 gallons to 50,000 gallons	\$5.01	\$5.61
50,001 gallons and above	\$8.81	\$9.41

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Outside City:

	<u>Current</u>	<u>Proposed</u>
First 2,000 gallons (minimum bill)	\$5.32	\$6.52
2,001 gallons to 7,000 gallons	\$2.73	\$3.33
7,001 gallons to 15,000 gallons	\$3.42	\$4.02
15,001 gallons to 50,000 gallons	\$5.51	\$6.11
50,001 gallons and above	\$9.31	\$9.91

Austell Box Board Corporation:

	<u>Current</u>	<u>Proposed</u>
First 2,000 gallons (minimum bill)	\$4.82	\$6.02
2,001 gallons to 7,000 gallons	\$2.48	\$3.08
7,001 gallons to 15,000 gallons	\$3.11	\$3.71
15,001 gallons and above	\$5.01	\$5.61

*Mr. Traylor moved to follow the recommendation to approve the Adoption of 2008/2009 Water Rate Schedule. Seconded by Ms. Boyd. Motion passed (6-0).*

**B. Change Order for Spring Street and Line Street Sidewalk Improvements**

Mr. Traylor stated in addition to the ongoing work on Spring Street, the Public Works would like approval to proceed forward to install additional reinforced concrete pipe at the intersection of Line Street and Spring Street. This will allow the contractors to improve the radius for traffic turning right going down to the new park (behind O'Reilley Auto Parts). New curb and gutter will also be added. In addition, the Change Order includes the installation of new reinforced concrete pipe across Line Street.

The original project cost was \$228,545.00 and with the addition of these items, there would be an increase of \$12,081.90 bringing the project cost to \$240,626.90. Additional funding for this project would come from the fiscal year 2009 budget, SPLOST Fund (325), account number 54.1400 (DOT Projects).

*Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Change Order for Spring Street and Line Street Sidewalk Improvements. Seconded by Ms. Reagan. Motion passed (6-0).*

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**C. Road Name Change**

Mr. Traylor stated it is the recommendation of the Public Works Committee to change the name of Hotel Street, between Line Street and Center Street, to Caleb's Way. Notification letters were mailed to approximately eight (8) property owners that will be affected by the name change. Street numbers will remain the same.

After approval by the Mayor and City Council, official notification letters of change will be mailed and the Austell Post Office, 911, and Utility Billing will be notified.

*Mr. Traylor moved to follow the recommendation of the Public Works Committee to change the name of Hotel Street, between Line Street and Center Street, to Caleb's Way. Seconded by Mr. Thomas. Motion passed (6-0).*

**D. Spring Street and Line Street Resurfacing**

Mr. Traylor stated the Public Works Department has solicited three (3) bids for resurfacing and Spring Street and Line Street. Following are the bids that were received:

<u>Bidder</u>	<u>Bid Amount</u>
Cruse Paving, Inc.	\$66,026.00
Butch Thompson Enterprises, Inc.	\$75,691.25
Baldwin Paving Company, Inc.	\$78,808.75

The Public Works Committee would like to open this agenda item for discussion. Funding for this project would come from the fiscal year 2009 budget, SPLOST Fund Resurfacing (325/4221), account number 54.1400.

Mr. Traylor stated it is the Public Works Department to approve the lowest bidder which is \$66,026.00 but we are open for suggestions. Ms. Boyd asked if Butch Thompson Enterprises, Inc. had been the one who did the sidewalk work in the downtown area. Mr. Traylor stated, yes, they were. Ms. Boyd asked if the City had done business with Cruse Paving, Inc. before and have they done a good job. Mr. Bowen stated, yes, they have done good work for us in the past.

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*Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the lowest bid, Cruse Paving, Inc. for \$66,026.00. Seconded by Ms. Reagan. Motion passed (6-0).*

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

**A. New Ice Maker for Community Center**

Mr. Green stated due to numerous repairs on the ice maker at the Community Center, it was determined it would be more cost efficient to replace it with a new one.

The following proposals for a 562 lb. Scotsman ice maker were obtained:

1) Restaurant Solutions	\$2,792.00
2) Metro Refrigeration	\$3,716.74
3) ACITYDISCOUNT	\$2,938.93

The Parks Committee recommends the approval of the low bid by Restaurant Solutions of \$2,792.00.

The icemaker was budgeted for Community Center 100/5530, line item 54.2100.

*Mr. Green moved to follow the recommendation of the Parks Committee to approve the low bid by Restaurant Solutions of \$2,792.00. Seconded by Ms. Reagan. Motion passed (6-0).*

**13. COMMUNITY DEVELOPMENT  
BEVERLY JAMES BOYD, CHAIRPERSON  
Jim Graham, Director**

**A. Proclamation – Westside Road Name Change to Dr. Luke Glenn Garrett, Jr. Memorial Highway**

Ms. Boyd read the Proclamation for the name change from Westside Road to Dr. Luke Glenn Garrett. (Please see attached Proclamation).

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*Ms. Boyd moved to follow the recommendation of the Community Development Committee to approve and adopt this Proclamation to change Westside Road to Dr. Luke Glenn Garrett Jr., Memorial Highway. Seconded by Ms. Reagan. Motion passed (6-0).*

Mayor Jerkins stated Dr. Garrett was very dear to my family. He delivered me, and when my wife and I married Dr. Garrett had a garage apartment and my wife and I rented this for awhile and they treated us like their children. They have always been very dear to my family and still are. Luke is very special to us. Dr. Garrett's father was the Mayor here for four or six years and plus he was a Cobb County Commissioner in 1922 and 1923. His father was a doctor and they have contributed so much to the City of Austell. It has been three generations of Doctors, plus Mayors and Commissioners and I am certainly honored to be part of this tribute to Dr. Garrett. Mayor Jerkins asked the family to please come forward and photos were taken of the family holding the new road signs reading Dr. Luke Glenn Garrett Jr., Memorial Highway.

Ms. Boyd stated the Mayor and Council has been working on changing Westside Road to Dr. Luke Glen Garrett Jr., Memorial Highway since 2005 when we started working on this project and continued to work on this in 2006. It is a lot of red tape going through the State Department. We thought it was most fitting to change Westside Road which comes off of C.H. James Parkway and Dr. Luke Glen Garrett Jr., Memorial Highway which leads right in front of Garrett Middle School which was named for Luke Garrett Sr. We thought this was very unique the Mayor thought of this and took it to the Legislature and got this changed. There is a lot of history here and we are very proud of that. Ms. Boyd asked if anyone would like to speak about Dr. Garrett Jr.

Ms. Strickland, a lady in the audience, stated Dr. Luke Garrett Sr., delivered her when she was born in 1926. She asked if there was anyone else present whom Dr. Garrett Sr., or Dr. Garrett Jr., delivered. Mayor Jerkins stated he believed Dr. Garrett Sr., passed away in 1946.

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B. Naming of Park – Louise Suggs Memorial Park

Ms. Boyd stated this was an honor to read the Proclamation naming the Louise Suggs Memorial Park. (Please see attached).

*Ms. Boyd moved to follow the recommendation of Mayor and Council to approve and sign the Proclamation Naming the Louise Suggs Memorial Park. Seconded by Ms. Reagan. Motion passed (6-0).*

Mayor Jerkins asked if anyone was present who would like to add anything about Louise Suggs.

Ms. Strickland stated she had some pictures in the lobby for all to see and she stated Louise attended her sixth birthday party and twenty two people attended. One of the pictures I have is Louise's graduating class of 1939. These are in the lobby if anyone would like to see them.

Louise was one of the girls who went to the old Pinecrest Swimming Pool and every time we went swimming and our permed hair would get wet we all looked awful except for Louise who had beautiful natural black curly hair. It was perfectly disgusting to all us girls.

Ms. Gleda James thanked the Mayor and Council for naming the old golf course in honor of the world's best woman golfer who was named by the American Sports Group and the Amateur State National World Golf Hall of Fame. Until she turned pro Louise lived on the edge of the golf course and this is where I am as well. They built a house between number 1 and number 2 tees, in the area where Chevron is now. She lived there until she graduated from school and became an adult. According to Ms. Boyd she built a house near Ms. Boyd's home on Morningside Drive off of Fessenden Avenue. Louise's birthday was yesterday and she is eighty-five years old. I spoke with her several days ago and she is delighted to have the park named and honored for her. Louise comes from an illustrious sports family. Louise's grandfather Rell Spiller, was a wealthy entrepreneur who always wore a hat in public, so I have been told. He also owned the old Atlanta Crackers Baseball Team and he sold it in 1932 to the Coca Cola Company. Spiller came out and developed the Lithia Springs Golf Course. He hired Johnny Suggs, his son-in-law and a former left-handed pitcher for the New York Yankees to manage the golf course.

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He taught Louise the game of golf starting at the age of ten. Spiller continued to distribute the Lithia mineral water until his death in 1946. George Brennan, an Atlanta lawyer bought Spiller golf course estates which was played until 1975. Louise started winning State and National tournaments and was the founder of the LPGA. She retired from professional golf in 1962 and now lives in St. Augustine, FL. Jim Dalton, retired President of Austell Box Board now Carastar, has made the first donation to the park. I would like for the Austell Mayor and Council to consider appointing a fund raising committee to develop a first class park on this historic site. Since the Coca-Cola Company has a record of recorded history from this site, beginning in the 1900's by distributing Lithia mineral water for many years in Georgia and R.J. Spiller selling his Atlanta Crackers Team to the Coca-Cola Company in 1932, they may be willing to donate a sizeable amount to the Louise Suggs Memorial Park. I do not have a contact at the Coca-Cola Company, but I am sure someone may. I wanted to say one thing about Dr. Christopher Columbus Garrett, the grandfather of Dr. Luke Garrett, Jr. my office is in Dr. Christopher Columbus Garrett old office at the springs.

He is honored also, because he was Mayor of Lithia Springs, Ga for sixteen years and on the school board for five terms I believe. He was a leader in Public Service. Mayor Jerkins thanked Ms. James for the information.

Ms. Boyd stated she had spoken with Louise Suggs and stated Ms. Suggs was truly honored. Ms. Boyd stated she told Ms. Suggs we would have a dedication and groundbreaking sometime in a few months and she said she would be here. At that time we will get the entire community involved. Hopefully, we can get a fundraiser started at that time. We have a big vision of this park and we can do. I would like to announce if anyone would like to stay till after the meeting I will make copies of the Proclamations for anyone who would like to stay till the end of the meeting.

**C. INFORMATION ONLY:**

**Conceptual Drawing of the Proposed New Park**

Ms. Boyd stated the Crusselle Company presented the Community Affairs Department with a proposal to prepare a conceptual plan of the new proposed Louise Suggs Memorial Park.

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Among other things the drawings will show the existing walking trails along with proposed nature trails for educational programs, fishing ponds, family picnic gazebos, an event pavilion, restrooms, protected areas to attract and preserve wildlife, possible amphitheater for entrainment areas dedicated to showcasing some of the history of the area including the Cherokee Indiana heritage, the Springs, and the beginning of Louise Suggs career.

Their fee for the color representation will not exceed \$3,000.00.

Mayor Jerkins approved this expenditure and funds are designated to be taken from account 320/6120.

*Ms. Boyd moved to follow the recommendation Community Affairs Department to approve the Conceptual Drawing of the Proposed New Park and their fee which will not exceed \$3,000.00. Seconded by Ms. Reagan. Motion passed (6-0).*

**14. CITY ATTORNEY – DUPREE & KIMBROUGH**

A. No Report

**15. MAYOR'S REPORT**

A. CMA MEETING

DATE:	September 23, 2008
TIME:	11:30 A.M.
	11:45 Lunch
	Smyrna – Lockheed Tour

**16. ADJOURN**

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