

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 1, 2007**

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

Absent: Scott Kimbrough
Randy Bowens

The regular meeting of the Mayor and Austell City Council was held on October 1, 2007, at 7:00 P.M. at City Hall.

Also present were: Carolyn Duncan, City Clerk; Sandra Farmer, Assistant Director, General Administration; Jim Graham, Community Development Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend Marvin "Doc" Frady gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any member of the Council would like to add items to the agenda. Mayor Jerkins stated he needs to add 15B – 800 MHz Radio System User License Agreement.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to add the items to the agenda. Seconded by Ms. Reagan. Motion passed (6-0).

Mayor Jerkins presented a plaque for his ten years of service to the City of Austell to Officer Steven Tarter and thanked him for his hard work and dedication to the City. Ms. Reagan presented Officer Tarter with a ten year service pin and thanked Officer Tarter for his efforts and service to the City.

2. CONSENT AGENDA – INFORMATION AND UPDATE

- A. Approve Bills
- B. Approve Legal Bills \$4,976.04
- C. Approve Minutes of Regular Meeting September 10, 2007

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

3. CONSENT AGENDA

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. Mr. Noah Givens stated he would like to inform the Mayor and Council of the condition of Jack Sutton, who is Phil Gingrey's personal confidant. He has recently been diagnosed with acute Leukemia.

Ms. Gleda James stated she would like to discuss the walking trails in the new park at Frog Rock. Ms. James asked if it would be fenced. Mayor Jerkins stated, no, there will be no fence. Ms. James asked if there would be security. Mayor Jerkins asked if you mean someone there at the location all the time, no. We will have patrol officers going through at the location. Ms. James stated she was reading in the paper last week about a rape near Thornton Road and Veterans Memorial Highway in the Austell section of Douglas County. Mayor Jerkins stated it was not in the Austell city limits even though it was an Austell address. Ms. Reagan stated it was in the parking lot at Food Depot and it was on the news. Ms. James stated there had been problems down there for years in that isolated area. There are undesirables in that area and some concern to me. We have spring # 2 down there and close to where I hear the grading going on. Are you aware where spring #2 is located? Mayor Jerkins stated he thought there was a beaver pond between spring #2 and us and correct me if I am wrong and we are on the back side. I have been down there and the grading is pretty well done except for getting ready to pour the sidewalks. Mr. James stated she hasn't walked there because of the creepy crawlers this time of year. Mr. Graham stated he had a site plan for Ms. James to review. Ms. James asked what would be the hours and the days it will be open? Mayor Jerkins stated we haven't set any times and I don't know that we plan to do that. There will be a parking area down there, and we might install a gate and we could lock the gate. Mayor Jerkins asked Mr. Graham if the plans were to have any lighting. Mr. Graham stated, no, there will be no lighting. We will have the locked gate but no lighting. Mr. Graham stated it gets pretty dark back there. Mayor Jerkins stated no one is to be there at night. Ms. James asked can't we have the gate locked before dark because it is so isolated in the back? Ms. James stated she would probably walk on the path but, there again, there has been trouble on the one in Smyrna going westward and it does concern me. Mayor Jerkins stated there is always some danger on the walking trails but we will have some Police Officers in the area. Ms. James asked when you would expect the walking trail to be completed. Mayor Jerkins stated the grading is almost done and I imagine they will start pouring it before long. It will be a month or so.

Mr. Graham stated the asphalt walkway would be started the first of next week.

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Mayor Jerkins stated it would be a month to six weeks and I haven't spoken to the contractor. Ms. James asked where you would enter the park. Mayor Jerkins stated you would enter from Spring Street behind the parts store and there will be a parking area there. Ms. Boyd stated it was beautiful down in there. Mayor Jerkins stated Ms. James had a good point because it is so isolated. Ms. Boyd stated she and Ms. Reagan had talked about putting a fence between the park and those apartments down there and we had some discussion in the car about this and bring to your attention at a later time. Mayor Jerkins stated the people would want to walk on it and putting up a fence would defeat the purpose. Ms. Boyd stated there are some things to work through and it will be an ongoing project for sometime. Mr. Thomas asked are we going to have a gate there at the entrance and who will be responsible? Mayor Jerkins stated it would be Mr. Graham's department in the evenings. Mayor Jerkins stated if we don't have the same person everyday it probably would not get locked. Ms. Boyd asked why we could not have the Police Department to do this since they will be on duty most of the time. Mayor Jerkins stated in the daytime it would be rather safe. Mr. Thomas stated Ms. Reagan has just told him in the area those were townhouses not apartments. Mr. Givens, from the audience, stated in New York City at the entrances of Central Park they have posted guidelines to the citizens for safety. We might want to consider this approach. Mayor Jerkins stated no matter how much precaution you may take sometimes it happens anyway.

Mayor Jerkins asked if anyone else would like to speak. Ms. LaShonda McClendon stated her name and stated she was a resident on Hotel Street across the tracks. I am concerned about the drug problems and the trash we are having in our neighborhood. We never see the Police patrolling in our neighborhood. The playground is horrible and I have never seen a playground that says to children play at your own risk. It is really bad in this area. I don't know if ya'll know or care but I do care. Mayor Jerkins stated the Police have been down there and made some arrests. Ms. Anderson stated she would like to speak and stated she had two clean up days and everything gets cleaned up. We will have another clean up day in October. Afterwards, I had things in the park for people, some Gatorade, chips and had a lot kids over and we did have a little get together to bring some community awareness. It seems like when you have a clean up day a lot of people come out. Unfortunately, no offense to anyone but the biggest complainers will not come out and help us. I have also tried to have some neighborhood watch days and I will have another in October but I do have to say the attendance is lacking and very discouraging.

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Ms. McClendon stated her parents have lived there and so does she and she has never seen a neighborhood watch of any kind. Ms. McClendon stated she was coming home from work and the people down the street were having a party and doing drugs and I could not even get to my home because of this disturbance. You can call the Police and they will ride on the outskirts but never on the street itself. Mayor Jerkins asked what street is it you live on. Ms. McClendon stated she lives on Hotel Street. Ms. McClendon stated she had called the Police department. Mayor Jerkins stated you know if the Police goes down there and they are selling drugs unless the officer sees them or buys from them they cannot do anything to them. We are limited as to what we can do. At the apartments there is no loitering and no trespassing signs posted but everyday I come home and these people are standing and have chairs in front of the apartments drinking alcohol and doing other things. Nothing is said to these people. These people go there everyday and they do not live there. Mayor Jerkins stated we cannot arrest someone on private property. If the property owner gives us permission then we can arrest them if they are loitering. Ms. McClendon stated, but it is open container. Mayor Jerkins stated, no, we cannot say anything to them because they are on private property. Ms. Anderson suggested to Ms. McClendon to call the City Clerk, Carolyn Duncan, and ask for Ms. Anderson's telephone number and she would call Ms. McClendon and let her know about the next neighborhood watch. Ms. McClendon stated she would. Ms. Boyd asked if the city police could patrol more often in the area. Chief Starrett stated he had made about one hundred and sixty arrests which were undercover arrests. We were there week before last and my officer and I made three arrests, which were three different violations. The problem is the people that live there always has someone there who know them. They have accused the police of targeting that area. Like Ms. Anderson said, it is very discouraging when we try to get folks involved and before you leave I would like to get your name and get a complaint filed. We wish more people like you would come forward and it is very hard to get the community involved. Ms. Anderson reiterated on this point and stated it was very frustrating because when the Police show up at the neighborhood everyone starts calling me to ask why the Police are there so much. Mayor Jerkins asked if anyone else would like to speak to the Council. No one spoke.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated Mr. Kimbrough attended the meeting. It was a normal meeting.

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**7. FINANCE DEPARTMENT
BEVERLY JAMES BOYD, CHAIRPERSON**

- A. Financial Report
- B. Budget Revisions

Ms. Boyd stated please consider the attached budget revisions detailed below:

1. Move the cost of the Defibrillator Battery System for the Fire Department from the 2007 FY to 2008 FY Budget in the amount of \$10,632.00.
2. Move the cost of an office desk for the Municipal Court Department from the 2007 FY Budget to 2008 FY Budget in the amount of \$829.00.

Both amounts were authorized purchases included in the 2007 FY Budget; however, the items were not received until after July 1, 2007.

Ms. Boyd moved to follow the recommendation of the Finance Committee to approve the Budget Revisions. Seconded by Ms. Reagan. Motion passed (6-0).

**8. GENERAL ADMINISTRATION
KIRSTEN ANDERSON, CHAIRPERSON
Carolyn Duncan, Director**

- A. No Report

**9. POLICE DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Reception 6:30 P.M. – Years of Service Award – 10 Years-Officer Steven Tarter

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10. FIRE DEPARTMENT

**SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief**

- A. Fire Report

11. PUBLIC WORKS DEPARTMENT

**DAVID “BO” TRAYLOR, CHAIRPERSON
Randy Bowens, Director**

- A. No Report

12. PARKS DEPARTMENT

**RANDY GREEN, CHAIRPERSON
Jim Graham, Director**

- A. No Report

13. COMMUNITY DEVELOPMENT

**BEVERLY JAMES BOYD, CHAIRPERSON
Jim Graham, Director**

- A. Moratorium – Signs

Ms. Boyd stated in order to review and possibly revise parts of the City’s current Sign Ordinance, the Community Development Committee recommends a (65) sixty-five day moratorium on the acceptance of permit applications for all signs more than fifty (50) square feet in size.

Ms. Boyd moved to follow the recommendation of the Community Development Committee to propose an Ordinance and give Mayor Jerkins power to sign an EMERGENCY ORDINANCE REGARDING THE ACCEPTANCE OF APPLICATIONS FOR LARGE SIGNS. (Please see attached Ordinance.) Seconded by Ms. Reagan. Motion passed (6-0).

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14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE: October 9, 2007
TIME: 6:30 P.M.
LOCATION: Marietta

B. 800 MHz Radio System User License Agreement

Mayor Jerkins stated this is an agreement between the City of Austell and Cobb County. We use their radio system and all the cities are involved. We had one agreement and this is the new agreement. I will review the sixteen page agreement as well as Scott Kimbrough, City Attorney.

Ms. Boyd moved to follow the recommendation of the City Council to give the authority and permission for Mayor Jerkins to review and sign the 800 MHz Radio System User License Agreement. Seconded by Ms. Reagan. Motion passed (6-0).

16. ADJOURN

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