

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
OCTOBER 6, 2008**

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

Absent: David O. "Bo" Traylor
Sandra Farmer

The regular meeting of the Mayor and Austell City Council was held on Monday, October 6, 2008 at 7:00 P.M. at City Hall.

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

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend David O'Dell, of Austell First 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. Mr. Bowens stated he would like to add 11F. – Recycling Service Contract. Mr. Kimbrough stated he would like to add 14A. – Resolution for AT&T.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve items added to the agenda. Seconded by Mr. Green. Motion passed (5-0).

Mayor Jerkins introduced Brandon Young Malcom and thanked him for his fifteen (15) years of service to the City of Austell and presented him with a plaque. Mr. Thomas presented Mr. Malcom with a 15 year service pin from the City of Austell.

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 \$1,686.22
- C. Approve Minutes of Regular Meeting September 8, 2008

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 2**

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to approve the corrected September 8, 2008 minutes, Page 4, Paragraph 4, omitted the word Permit and to approve the Consent Agenda. Seconded by Ms. Boyd. Motion passed (5-0).

**4. EXCEPTION TO CONSENT AGENDA
5. CITIZENS REPORT**

Mayor Jerkins asked if anyone would like to speak to the Council. Ms. Gleda James stated there has been some work done on the right side of my driveway and I would like to thank you for cutting the weeds. Is there a billboard going up there? Mayor Jerkins stated, yes, it belongs to the City and we have agreed to let them put a billboard up. This is part of the reason it is being cleaned off. We have been involved in a lawsuit with a billboard company and the agreement was to put a couple of billboards up on city property. There will be one sign there and also one on C.H. James Parkway. From what I understand it will be a real nice sign. Ms. James asked if the Christmas decorations would be put up. I had asked about five (5) years ago if I could get a star or one of your decorations on the telephone poles and I never did get one. Mayor Jerkins asked if she wanted one in front of her place. Ms. James stated she thought it ended at Wallace Barbeque. Mayor Jerkins stated it ends at the Chevron Station. Mr. Graham stated Georgia Power will not do this for us anymore and it is very difficult to find someone who can work with live wires and the problem is finding someone to do it. We thought we had someone but it didn't work out. Ms. James stated she also called the real estate company that is assigned there next to O'Reilly just to enquire in case the city might want to purchase that for an entrance into the park and they told me the property was a half-acre for one hundred ninety-nine thousand dollars (\$199,000.00) and I don't know who owns the property. Mayor Jerkins stated he didn't think the city could afford that much money. Ms. James stated she thought the sign popped up after the announcement of the park. Mayor Jerkins stated it wasn't but a block and we have a street there anyway.

Mr. Frank Johnson stated he would like to report on the Baby Land Improvement Group. The last time we were here we brought the plans to the building and all of that and we haven't been back to the council in a couple of months. Basically, we just wanted you to know we haven't let it go to waste. What I have been doing is going to a lot of the other organizations and groups to educate myself since I am the Chairman and find out what they are doing and not to reinvent the wheel in trying to do something different.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 3**

I have been working with the Counselor's from South Cobb High School and many others. Basically, I have been trying to see where we are with the land and the building. We are working on twenty-eight (28) pages of our 501C and we already have our FEIN number and we have filed everything with the State and we want all of this to be properly done. We have had problems because we do not have a permanent address and so I am having everything routed to my address at my home. We are still on fire about this cause and we don't want to drop the ball and in two to three years be standing here again. Mayor Jerkins stated we are working on this and Mr. Graham has been checking on two pieces of property and I think we are o.k. to let Clifton start working on some this. Mr. Graham stated, yes, we have hired an attorney to start title search on the property because we couldn't get clear answers. We have to find out before we can even make an offer. It is taking a long time and a lot of that property is tied up either in back taxes or family inheritances. The attorney we hired will do a title search and find out for us and someone we can contact. Mayor Jerkins stated to Mr. Johnson we are working on this and appreciate you coming to the meeting. Mr. Johnson stated we just want to get started and do whatever it takes to get started. Mayor Jerkins stated we are looking at this and we are looking at least one piece of property and we are trying to do something. We may not build that big of a building, but we will build something. It will take us a little time to do this. Mr. Johnson stated on October 18, 2008 we will be at the park to cleanup not only the park but the neighborhood. We are going to walk and cleanup ditches and all the way up to VMH. On October 25, 2008 we will have a big fish fry for some of the organizations and other groups that I have been dealing with. I would like to invite you and the council members. Mayor Jerkins asked Mr. Johnson if he could make sure all the trash they accumulate to please put on the side of the road and the City would pickup. Mayor Jerkins thanked Mr. Johnson for attending the meeting.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough, City Attorney stated he attended the board meeting and they adopted the rate schedule.

Ms. Reagan asked about the property at 2839 Sweetwater and what are your intentions of purchasing that property. Mr. Kimbrough asked what property, and Ms. Reagan repeated the address and stated it is next to the parking lot. Mayor Jerkins asked Ms. Reagan if she was talking about the gas system.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 4**

Ms. Reagan stated, yes, she was talking about the gas system. Mayor Jerkins stated they came and discussed everything with me.

The purpose is they may have to add on and they want to use that for future parking. Mr. Kimbrough stated they have made no plans at this time to expand.

Mayor Jerkins stated the Board of Director's Expiration Terms need to be renewed. Mayor Jerkins stated they are two year (2) terms from July to July and will be through 2010.

Ms. Boyd moved to follow the recommendation to approve Ann Collins and A.D. Wilder for two year terms. Seconded by Ms. Reagan. Motion passed (5-0).

Chief Starrett stated that MS. Ward wanted to address the Mayor and Council and didn't understand she should have done so earlier. Mayor Jerkins allowed her to speak.

Chief Bob Starrett stated Ms. Sarah Ward wants the council to waive work permit on Fat Cats. There is no paperwork on this matter and she has had a violation in the past two (2) years and this is why we did not approve the permit. Mayor Jerkins asked Ms. Ward if she was asking for a work permit and the reason why and do you want to discuss this in public. This is not on the agenda.

Mayor Jerkins asked her name and what kind of violation did she commit. Ms. Ward stated her name and stated she was arrested for possession of marijuana less than one ounce. Mayor Jerkins asked Ms. Ward if she ever had any D.U.I.'s or any other offenses or arrests. The reason I am asking is because we do have your background information before us. Ms. Ward stated, no, she had not. Mayor Jerkins asked the council if they had any questions at this time. Ms. Boyd asked Mayor Jerkins what was the city's rule. Mayor Jerkins stated it is ten (10) years and this has only been two (2) years. Mayor Jerkins asked Ms. Ward if she is on probation right now and Ms. Ward stated, yes, until June 2009. Ms. Anderson asked Ms. Ward if she was off probation this past June or would she be next June. Ms. Ward stated it would be June 2009. Ms. Boyd stated it seemed to her if she was on probation she could not work anywhere that served alcohol. Ms. Ward stated her Probation Officer would make an exception with a letter if needed. Mayor Jerkins stated it was up to the Council because he doesn't vote unless it's a tie. They have to make the decision. Ms. Boyd stated to everyone, don't you think we need a background check. Mr. Kimbrough stated we should put the waiver on next month's agenda and Chief Starrett can supply us with the information.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 5**

Ms. Boyd asked Chief Starrett if he had the background information and he stated no, but we do get a number of these each week and we deny them with any violation. Ms. Reagan asked Chief Starrett if this was all that was on there. Ms. Boyd asked Chief Starrett if he felt like it should be denied. Mayor Jerkins stated it would be the Council's decision; normally we don't do this unless it's close to the ten (10) years and you are along way from that.

Ms. Reagan stated it was a first offender case unless she gets in more trouble. Ms. Boyd stated she thought it would be best if she came back after her probation period is over and we look at this again. Mayor Jerkins stated it is the council's decision. Ms. Reagan stated she is willing to work. Mr. Green stated if her Probation Officer is willing to give a letter than that would say something for her character. Ms. Boyd stated I think we should wait until we get that information and I would like to trust her but until we get a copy of the letter and all the other information. Mayor Jerkins stated to Ms. Ward we will have to put this waiver on next month council meeting. Ms. Ward stated she would have another job by then. Mayor Jerkins stated we need information from the Probation Officer and the background check which Chief Starrett can supply us. Ms. Reagan asked Mayor Jerkins if council could not approve this contingent upon the letter from the Probation Officer. Mayor Jerkins stated it is the council's decision. Mr. Kimbrough stated it would be more appropriate if we wait and have the official background check in front of everyone and follow the correct procedure. I would suggest it be done that way. Mayor Jerkins thanked Ms. Ward for attending the meeting and Mr. Kimbrough told Ms. Ward the next meeting would be the first Monday of November 2008.

7. FINANCE DEPARTMENT

**BEVERLY JAMES BOYD, CHAIRPERSON
Denise Soesbee, Director**

A. Financial Report

8. GENERAL ADMINISTRATION

**KIRSTEN ANDERSON, CHAIRPERSON
Carolyn Duncan, Director**

A. Minute Correction – September 8, 2008 – Page 4 – Paragraph 4 –
Omitted Permit

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 6**

Ms. Anderson stated the minute correction had been approved under Consent Agenda.

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

- A. Police Report
- B. Code Enforcement Report
- C. Hotlanta Bonding Company – Application

Ms. Reagan stated an application has been received from Joseph Bell, owner of Hotlanta Bonding Company to receive a Bondsman License. A copy of the application is attached.

A background check on Mr. Bell shows no previous criminal record.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the application for Hotlanta Bonding Company. Seconded by Ms. Boyd. Motion passed (5-0).

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

- A. Fire Report
- B. Equipment Donation

Mr. Thomas stated due to recent upgrades to our defibrillators, our two (2) older units are now out of service. Both units are Hewlett Packard Codemaster 100 3-lead Auto-defibrillators. Each unit is over six (6) years of age. Batteries for the units are no longer available. Each unit is operational and the old batteries will only hold a charge for a sort period of time. This means that both units are no longer suitable for frontline service.

With City Council permission, we request to donate each unit to two (2) training organizations that can use the units in training future Emergency Medical Technicians. One unit would be donated to Faithful Guardian, an independent EMS Training organization in Carroll County. The other unit would be donated to Chattahoochee Technical College. We would ask that each organization sign off that these units would be used for training only.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 7**

Mr. Thomas moved to follow the recommendation of the Chief Williams to approve the Equipment Donation. Seconded by Mr. Green. Motion passed (5-0).

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

A. Adoption of 2008/2009 Wastewater Rate Schedule

Mayor Jerkins stated it is the recommendation of the Public Works Committee to accept the following wastewater rate increases as proposed by Keck and Wood, Inc. to become effective October 1, 2008. The governmental contractual water rate would be increased by 7 percent per 1,000 gallons. Therefore, the proposed rates would be adjusted upward 25 cents per 1,000. There would be no additional rate increase on January 1, 2009.

The City’s revenue bond ordinance requires that the system income generate debt service operations and maintenance costs, plus debt service coverage of 20 percent. Considering the coverage factor, wastewater rates would be adjusted upward an additional 30 cents per 1,000 gallons to recognize the latest change to County rates.

	<u>Current</u>	<u>Proposed</u>
Inside City (Per 1,000 Gallons)	\$5.19	\$5.49
Outside City (Per 1,000 Gallons)	\$5.45	\$5.75
Austell Box Board Corporation	\$5.19	\$5.49

Effective April 1, 2009, Cobb County Water System will be increasing their Regional System Development Fee from \$1,200.00 to \$2,400.00 and will require the City to increase our fee an additional \$1,200.00 to accommodate the County’s increase. Our current rate is \$2,200.00 and would be increased to \$3,400.00. The \$2,400.00 would be submitted to the County and the remaining \$1,000.00 would remain with the City of Austell.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 8**

Ms. Boyd moved to follow the recommendation of the Public Works Committee to adopt the new 2008/2009 Wastewater Rate Schedule as presented from Cobb County. Also, the figures Mayor Jerkins mentioned. Seconded by Ms. Reagan. Motion passed (5-0).

B. Request for Street Light – Line Street

Mayor Jerkins stated it is the recommendation of the Public Works Committee to install one (1) standard street light at the intersection of Line Street and Pine Street at a cost of \$13.65 per month.

Ms. Boyd moved to follow the recommendation of the Public Works Committee to approve the Street Light for Line Street. Seconded by Ms. Reagan. Motion passed (5-0).

C. Request for Street Light – Hotel Street

Mayor Jerkins stated it is the recommendation of the Public Works Committee to install two (2) standard street lights on Hotel Street in front of Sweetwater Valley CAMP at a cost of \$27.30 per month.

Ms. Boyd moved to follow the recommendation of the Public Works Committee to approve the Street Light for Hotel Street. Seconded by Ms. Reagan. Motion passed (5-0).

D. Request for Street Light - Owens Street

Mayor Jerkins stated it is the recommendation of the Public Works Committee to install one (1) standard street light at 5480 Owens Drive at a cost of \$13.65 per month.

Ms. Boyd moved to follow the recommendation of the Public Works Committee to approve the Street Light for Owens Street. Seconded by Ms. Reagan. Motion passed (5-0).

E. Stormwater Newsletter

Mayor Jerkins stated as part of the City of Austell Stormwater Management public education program, we are required to produce and provide educational materials for the general public. As part of this program, staff will be publishing a quarterly stormwater-related newsletter that will be included in water bills.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 9**

The second edition to be published is attached. Ms. Boyd stated the Newsletter looked great to her and she liked the layout and Mayor Jerkins stated it was fine with him.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the Stormwater Newsletter as presented. Seconded by Mr. Thomas. Motion passed (5-0).

F. Addendum To Recycling Service Contract

Mayor Jerkins stated there is a gentleman here tonight who is with another recycling company and he wants to make an appointment with me and Carolyn Duncan will schedule this appointment to discuss what he has to offer. I would like to postpone this item or table the item until next month until I see what options we may have.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to table the Addendum to Recycling Service Contract until the November 3, 2008 meeting. Seconded by Mr. Thomas. Motion passed (5-0).

12. PARKS DEPARTMENT

RANDY GREEN, CHAIRPERSON

Jim Graham, Director

A. City purchase of property located on Veterans Memorial Highway known as James Park.

Mr. Green stated the Community Affairs Department recommends that Mayor and Council approve the purchase by the City, of James Park located on Veterans Memorial Highway between Jefferson Street and the Rolly Street railroad crossing. An Attorney, Leo Clifton will do all the legal matters on the property.

The purchase price is twenty thousand dollars (\$20,000.00) and the money will come from the City's contingency fund.

Mr. Green moved to follow the recommendation of the Community Affairs Department approve the purchase by the City of Austell of James Park located on Veterans Memorial Highway between Jefferson Street and the Rolly Street railroad crossing. Seconded by Ms. Reagan. Motion passed (4-0). Ms. Boyd abstained due to a family conflict.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 10**

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

A. No Report

14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. Franchise Contract Cable TV

Mr. Kimbrough stated we will address a request from AT&T, the Universe Net with regard to a service offered to the citizens of Austell. It is a new internet protocol based next generation video product and I have no idea as to what that means. They will be offering that and they have been approved statewide under the new communication franchise Consumer Choice for Television Act of Georgia and we need to adopt this resolution. This basically sets the franchise fee that we will be collecting from them and will be 5% from all those revenues received as a result of putting this product into our market using our lines and our space and right-of-ways, etc. Ms. Boyd asked if this was a contract. Mr. Kimbrough stated, no, this is a resolution which states we will be accepting and charging 5% of the gross revenues and then we will have an individual franchise agreement.

Ms. Boyd moved to follow the recommendation to approve Mayor Jerkins to sign the resolution stating that we will receive 5% of gross revenues and when and if this comes to market and fruition in the City of Austell. Seconded by Mr. Thomas. Motion passed (5-0).

15. MAYOR'S REPORT

A. CMA MEETING

DATE:	October 14, 2008
TIME:	6:30 P.M.
LOCATION:	Marietta – Election Forum

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, OCTOBER 6, 2008
PAGE 11**

B. Cobb Chamber of Commerce – Ad

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the Cobb Chamber of Commerce Ad with a page plus tab for a cost of \$6,000.00. Seconded by Ms. Reagan. Motion passed (5-0).

16.ADJOURN

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Reagan. Motion passed (5-0).