

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MARCH 3, 2008**

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

The regular meeting of the Mayor and Austell City Council was held on March 3, 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; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Scott Kimbrough, City Attorney, 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. 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 \$1,075.00
- C. Approve Minutes of Regular Meeting February 4, 2008

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

A. Jessica Stander – Petition for Traffic Light @ Landin Pointe

Ms. Stander presented a petition to Mayor and Council from her subdivision as well as the South Cobb Enrichment Center across the street from the subdivision and introduced Ms. Okoakwo who is the owner.

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We are requesting a traffic light to be installed because of the many traffic accidents which have happened over the years.

Mayor Jerkins explained to Ms. Stander, the City of Austell has no control over the traffic devices. Cobb County and State have the authority to install the traffic devices even though the City owns the road. Mayor Jerkins directed Mr. Bowens to please put up a sign saying no U-turn. Ms. Boyd suggested to Ms. Stander to contact your Cobb County Commissioner and your State Representative, Alisha Thomas Morgan, to get help.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting and the adoption of the gas rate schedule applicable to this month's billing period which is always done. The Tax Anticipation Notice that was adopted has already been paid down to a minimum balance of \$1,000.00. The gas company has begun reconstruction to the offices in the building.

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

A. Financial Report

B. Budget Revision for Fire Truck

Ms. Boyd stated in order to comply with budget regulations the full amount of the new fire truck must be recorded.

Ms. Boyd moved to follow the recommendation of the Finance Committee to approve and record the full amount for our Fire Truck which is \$398,000.00 and the loan proceeds of \$298,000.00 and transfer of \$100,000.00 from the railroad money to General Fund. Seconded by Ms. Reagan. Motion passed (6-0).

C. Proposal to Replace AS400 Hardware

Ms. Boyd stated the Finance Department currently uses an IBM Computer (server) that runs all accounting segments i.e. Utility Billing, Payroll, Accounts Payable, Property Tax, Financial Administration,

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and Occupational Tax. This server was purchased in February of 2000. Right now the server is running at 86% capacity and rising due to the increase in transactions over the past 8 years. This is a critical percentage and typically it should be running at 60% or less to be efficient. Although we haven't lost data yet the potential of it happening grows each day. Also, in December 2007 the City Council approved a software upgrade in the amount of \$7,532.00. This can not be implemented because there are not sufficient hardware resources to support this upgrade. Also, the water department is not able to fully utilize their new meter installs without this software upgrade.

Ms. Boyd moved to follow the recommendation of the Finance Committee to approve purchasing a new IBM Server in the amount of \$29,123.50 (see attached proposal). This will ensure all of our data will be secured while providing a stable system to store and update our data. 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

Mayor Jerkins stated he would like to report about the house that burned over close to Thad Kilgore I don't know what street, but the Fire Chief and Police Chief and the Assistant Fire Chief and I went over there and inspected. We spoke with a neighbor and they told us he was living in Kennesaw, GA, with his son or daughter and having trouble with the insurance company. We discussed what we could do or couldn't do but right now we need to wait and see what the insurance company would do. The owner is saying he wants to move to Florida. If we condemn the house we have to go out and inspect and it takes a lot of time.

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We have a Board who would have to go out and look at it. They have to give him a notice and then he would have to come before Mayor and Council. It would also have to be advertised. It is a pretty long process. We are looking at this and trying to see where we are headed with this. Maybe he can sell the lot. But, we are working on this and will keep you informed.

C. Fee Schedule

Ms. Reagan stated the Police Department is requesting Council to approve an updated fee schedule. Attached are the old fees and requested new fees. Also attached are the fees schedules from surrounding Agencies.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Fee Schedule. Seconded by Mr. Thomas. Motion passed (6-0).

D. Privilege License – Limousine Service

Ms. Reagan stated an application had been received from Michael A. Wells for a Privilege License to Operate a Limousine Service from 1975 Vanessa Circle, Austell. This area is Zoned Residential. There have been incidents at this residence involving Police Department being called. Copies of the reports are attached.

Austell Code states that to operate a Limousine service, the operator of the vehicle must have a Chauffeur's License, and can only park one vehicle at the residence, and no vehicles on the street.

A copy of Michael A. Wells' driving record is attached, along with the application and insurance information. The driving record shows that the applicant has received traffic citations in the past.

Council is asked to review this information and approve or deny this Privilege License request.

He has submitted a petition from his neighborhood. Mayor Jerkins asked how many names are on the petition. Ms. Reagan stated eleven names are on the list. Ms. Reagan stated he has a fence up all the way around his home. Ms. Reagan stated he will pave the surface where he intends to park the limousine.

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Mayor Jerkins asked Mr. Wells how many residents he went to and Mr. Wells stated he went to all eleven around his home. No one turned me down. They are all on my street.

Mr. Green stated he needs to put his solid surface down before he starts business. Mayor Jerkins states he is going to do this. Mr. Wells stated he would do this and it is just a matter of time.

Ms. Boyd asked, since we have had several calls to this residence what happens if we receive more calls to this residence, will it affect his license? Mayor Jerkins stated if it gets into a serious matter it would affect his license and the Police would notify us. He only has license for a year and he has to renew the license in January. Mayor Jerkins stated he felt better because Mr. Wells had this petition from the residents and they know what is going on in their neighborhood. Mr. Traylor asked can we check in thirty days on the paving and if it has been completed. Mr. Green suggested he report to council at the next meeting. Mayor Jerkins asked Mr. Wells to please notify the Police Department when he gets the work completed.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Privilege License – Limousine Service. Seconded by Mr. Thomas. Motion passed (6-0).

E. Alcohol Permit Waiver – Suzanne Joiner

Ms. Reagan stated the Police Department has received a request for a hearing to waive the requirement for an alcohol pouring permit for Suzanne Joiner, who was charged with DUI on December 29, 2003. The current requirement for the City of Austell does not allow the issuing of an alcohol pouring permit if a person has received a DUI in the last 10 years. Suzanne Joiner is requesting Council to waive this requirement and allow her to obtain a permit. A letter from Suzanne Joiner is attached, along with a copy of the Austell Code.

Ms. Reagan moved to follow the recommendation of the Police Department to approve the Alcohol Permit Waiver. Seconded by Mr. Thomas. Motion passed (6-0).

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F. Assignment to DEA Task Force

Ms. Reagan stated Chief Starrett has talked with DEA Special Agent in Charge in Atlanta, Frank Mazzilli. They have a vacant position at this time that we can apply for. If we were to get that position the Austell Police Department would assign an Officer to work DEA cases out of the Atlanta Office. The City would provide a vehicle for that Officer. The benefits for the City of Austell would include receiving funds obtained by the DEA. These funds could be significant, and could be used for the purchase of equipment and Vehicles for the Police Department and 911, which would save the City of Austell a great deal of money.

Chief Starrett has discussed this with Mayor Jerkins, and Chairperson Virginia Reagan. This will be open for discussion at the Pre-Agenda meeting. Chief Starrett has asked for the Assistant Chief of Police of Cartersville, Frank McCann, to attend the Pre-Agenda meeting and answer questions about this agreement. Frank McCann has been assigned to this position for several years, and will be available to answer questions and explain the benefits to the City of Austell.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the DEA Task Force Assignment. Seconded by Mr. Traylor. Motion passed (6-0).

**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. For Information Only:

Drought Response Level 4 Changes

Mr. Traylor stated effective April 1, 2008, by Order of the Georgia Environmental Protection Division, the following changes to the Drought Response Plan will take place:

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1. Permit limits will be modified to 10 percent below the 2007 average summer (April through September) water use in recognition of the changes in water use that occur in the summer due to higher evaporation levels, water use for commercial air conditioning systems, watering of food gardens, summer activities, and other allowable uses. No outdoor water use is allowed, other than for activities exempted in Section 14-36 (f) of the City of Austell Outdoor Water Use Restrictions, adopted on July 3, 2006.
2. The filling of swimming pools will be permitted.
3. Each household, business, or other institution/property owner will be allowed to hand water existing landscaping using one garden hose, 25 minutes a day, within the hours of 12:00 midnight to 10:00 AM, on designated days. The hose must be hand held during watering and equipped with a standard spray nozzle that automatically turns off when not hand held.

Odd-numbered addresses may hand water Tuesdays, Thursdays, and Sundays. Even numbered addresses may hand water Mondays, Wednesdays, and Saturdays.

4. Newly installed landscaping which has been in place less than 30 days may be watered up to 3 days a week within the hours of 12:00 midnight to 10:00 AM only for 10 consecutive weeks and during plant installation.

Odd-numbered addresses may water newly installed landscaping Tuesdays, Thursdays, and Sundays. Even-numbered addresses may water newly installed landscaping on Mondays, Wednesdays, and Saturdays. Any person watering newly installed landscaping must register with the Outdoor Water Use Registration Program at <http://www.urbancouncil.com/> beginning March 15, 2008.

Recommendation and Approval:

B. Road Resurfacing – Carol Way

Mr. Traylor stated due to the widening of Carol Way it is necessary that the entire length of Carol Way be resurfaced. Public Works has received three (3) bids, as follows:

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Asphalt Atlanta	\$13,650.00
T.I. Wood Enterprises, Inc.	\$ 9,500.00
Cruse Paving, Inc.	\$ 8,000.00

Mr. Traylor moved to follow the recommendation of the Public Works Committee to award the contract to the lowest bidder; Cruse Paving, Inc. in the amount of \$8,000.00. Funding will come from the fiscal year 2008 budget, SPLOST Revenue Fund, DOT Projects. Seconded by Ms. Reagan. Motion passed (6-0).

C. Great American Cleanup Event

Mr. Traylor stated the Public Works Department will hold The Great American Cleanup event on Saturday, April 12, 2008, at Collar Park. Volunteers will meet in downtown Austell between 9:00 AM and 2:00 PM to beautify the area.

Attached is the flyer that will be distributed to all citizens with their water bill. We would also like to provide free hot dogs, chips, and drinks to those that have dedicated their time to volunteer.

Ms. Boyd commented on Mr. Bowens' department and what a good job they have done with the directions and where to meet for the refreshments.

Mr. Traylor moved to follow the recommendation of the Public Works Department to approve the Great American Cleanup Event and also to invite everyone to participate in this event. Seconded by Mr. Thomas. Motion passed (6-0).

D. Landin Pointe Subdivision – Street Light

Mr. Traylor stated it is the recommendation of the Public Works Committee to install one (1) street light at the entrance of Landin Pointe Subdivision at a monthly cost of \$13.65.

Attached is a copy of the petition that was submitted to our office by the residents of Landin Pointe requesting the installation of a new street light.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to install one (1) street light at the entrance of Landin Pointe Subdivision at a monthly cost of \$13.65. Seconded by Ms. Boyd. Motion passed (6-0).

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12. PARKS DEPARTMENT

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

- A. No Report

13. COMMUNITY DEVELOPMENT

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

- A. No Report

14. CITY ATTORNEY – DUPREE & KIMBROUGH

- A. No Report

15. MAYOR'S REPORT

- A. **CMA MEETING**

No Meeting

DATE:

March 11, 2008

TIME:

LOCATION:

Mayor Jerkins stated the April 8, 2008, meeting will be in Austell at the Community Center.

- B. Proclamation – Alcohol Awareness Month 2008

Mayor Jerkins asked if anyone was present to pickup the Proclamation. No one was present. Mayor Jerkins stated a motion needed to be made to approve the Proclamation for Alcohol Awareness Month 2008.

Mr. Traylor moved to follow the recommendation of Mayor Jerkins to approve the Proclamation for Alcohol Awareness Month 2008. Seconded by Mr. Green. Motion passed (6-0).

- C. Resolution HB 938

Mayor Jerkins stated this Resolution is for the Franchise Fees. All the Cities have sent or should have sent a Resolution in to the Legislative Office.

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Chief Starrett sent a couple of Officers to the Capitol for us and Alisha Thomas Morgan, our Representative, voted against it and we do appreciate her support. Mayor Jerkins stated we need a motion regarding HB938.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the Resolution HB938 and I would like to add the following to the minutes:

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council do hereby request that the Cobb County Delegation oppose HB 938 as it would force all the Cities in Cobb County to Raise Taxes on Homeowners and Businesses in the Cities while giving Utility Companies free use of Public Rights of Way. Seconded by Ms. Reagan. Motion passed (6-0).

Chief Williams stated he would like to tell everyone the Burn Ban has been lifted through April 31, 2008.

16. ADJOURN

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