

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 3, 2006**

Present: Joe Jerkins, Mayor
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 April 3, 2006, at 7:00 P.M. at City Hall.

Also present were: Hylton Dupree, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, General Administration/Assistant Director; Rachel Yarbrough, Assistant Finance Director; Jim Graham, Community Development Director; Randy Bowens, Public Works Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Steve Davis, Music Director, Austell First Baptist Church, gave the Invocation. Mayor Jerkins led the Pledge of Allegiance and then asked if any member of the City Council would like to add items to the agenda. Ms. Boyd stated she would like to add 14A. Sign Ordinance to the Agenda. Mr. Traylor stated he would like to add 11B. D&H Construction Company, Inc. Invoice and 11C. 2005 Drinking Water Supply and Quality Report.

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

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 \$1,738.13
- C. Approve Minutes of Regular Meeting March 6, 2006

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

4. EXCEPTION TO CONSENT AGENDA

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5. CITIZENS REPORT

Ms. Shirley Sams stated she would like to talk about sewerage on her street, Jones Road. Ms. Sams stated in her neighborhood several homes have been flooded severely. Some of the homes have been vacant for long periods of time. The water stands everywhere and the mosquitoes are a danger. Mayor Jerkins stated he has had the Corp. of Engineers investigate this problem twice already. Because of all the creeks flowing into Sweetwater Creek nothing can be done about this problem. Ms. Boyd stated the Mayor and Council have been trying to get the County to work on Jones Road because some of the houses have so much junk on them. Ms. Boyd stated to Ms. Sams, if she and some of the other residents would call the County Code Enforcement and complain to them this would help to back up the City of Austell. Ms. Sams stated she hated to complain about her neighbors. Ms. Boyd stated to Ms. Sams, you do not have to give your name when you call the County. Ms. Sams stated there was also dumping on several lots on our street near where the water crosses over. Ms. Sams stated since the City could not do anything she would go to the County.

Mr. Mian (Sam) Asium Afzal with K&H Food Mart/D/B/A BMBA stated to the Mayor and Council he would like to request a Business License Renewal at this time. Mayor Jerkins explained to him it wasn't that simple. Mayor Jerkins told him he would have to reapply because he was changing ownership of the business. Mr. Sam stated he didn't understand this because they already had a license in place. Mayor Jerkins explained to him again about the ownership of the business and about the criminal history check and fingerprinting which has to be done through the Austell Police Department. This is mandatory for everyone who applies for a Privilege License every year, even for renewals. Mayor Jerkins stated there is a one hundred dollar (\$100.00) non-refundable fee to be paid to the Police Department for these services. Mr. Sam stated he had not gone through this process yet, but he would. Mayor Jerkins stated to Mr. Sam it could take up to eight (8) weeks for these things to be completed. Mayor Jerkins also told Mr. Sam he needed to fill out an application as a new owner and this would be submitted to the Police Department to be processed. Once it is approved it has to come before the Mayor and Council to be approved. Mr. Sam stated he would comply.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated the gas rate schedule was discussed for the next billing cycle.

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7. FINANCE DEPARTMENT

**BEVERLY JAMES BOYD, CHAIRPERSON
Rachel Yarbrough, Acting Finance Director**

A. Financial Report

Ms. Boyd asked if anyone had any questions concerning the Financial Report. Hearing none, Ms. Boyd stated she would like to share something that I think is important to the Council. Anita Denney-Moore has been with us in the Finance and Water Department for a long time. She was contacted by Georgia Power Co. and I would like to read a letter we received to inform you of what she has done for the City of Austell. The City receives Finance Revenue from the Georgia Power Co. and this year the City received four hundred and thirty four thousand two hundred sixty-four dollars and forty two cents (\$434,264.42) from Georgia Power Co. This amount exceeds our budget by over a hundred thousand dollars and is a significant increase from last year. There are several factors that contribute to the increase. The reason was the time invested by Anita Denney-Moore in the Finance Department. A Georgia Power representative contacted Anita requesting updated information on the cities property. Anita researched our property tax records and map books to compile the most current and accurate data. As a result, the City received franchise taxes for all of its properties. We had budgeted three hundred and seventy thousand dollars (\$370,000.00) for the year for our franchise fee and we received four hundred thirty-four thousand two hundred sixty-four and forty-two dollars (\$434,264.42). I just thought I would take this opportunity to say thank you to Anita publicly and share this information with the Council.

8. GENERAL ADMINISTRATION

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

A. Yard of the Month Program

Ms. Anderson stated, on the Yard of the Month Program we will have a Committee Meeting on April 12, 2006, time to be announced. We will have a full report next month at the May 1, 2006, Council Meeting.

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

- A. Police Report
- B. Code Enforcement Report

**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. Memorandum of Agreement for Austell Box Board Corporation
Mr. Traylor stated it is the recommendation of the Public Works Committee to approve the attached Memorandum of Agreement between the City of Austell and Cobb County Water System. The Agreement would provide a jointly supportive economic incentive, through a utility billing arrangement for the service term of March 1, 2006, through February 28, 2009, for the Austell Box Board Corporation to maintain and expand operations in Cobb County.

The Memorandum of Agreement, as presented, would reestablish a joint wastewater billing reduction arrangement for a 36-month term. Cobb County Water System would bill the City of Austell a reduced wholesale wastewater rate (current rate less 10%) for Austell Box Board Corporation wastewater service only. The City in turn would reduce the Austell Box Board Corporation monthly retail billing by the same amount of that reduction. The City of Austell will also provide to Austell Box Board Corporation an overall utility reduction of \$15,000.00 for each of the three (3) twelve (12) month periods of the Agreement term.

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Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the attached Memorandum of Agreement between the City of Austell and Cobb County Water System. Seconded by Mr. Thomas. Motion passed (6-0).

B. D&H Construction Co., Inc. Invoice

Mr. Traylor stated the Public Works Committee recommends payment of the attached invoice from D&H Construction Company, Inc. This is for emergency repair made to a six (6) inch ductile iron pipe on Sanders Drive.

Funds for the payment of this invoice will come from 505/4440 (Water), expense code 52.1300 (Technical) in the amount of \$35,408.55.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the D&H Construction Co., Inc. Invoice. Seconded by Ms. Boyd. Motion passed (6-0).

C. 2005 Drinking Water Supply and Quality Report

Mr. Traylor stated the attached is the annual water quality report for year ending 2005 for your review. This will be distributed to all water customers, as well as those residents living in mobile home parks, apartments, etc. that do not receive a water bill.

This report must be distributed prior to July 1 of each year. The estimated cost of printing and mailing will be \$2,000.00. Funding will come from the Water Department (505/4440); account number 52.3400 (Printing and Binding) for printing.

Mr. Traylor moved to follow the recommendation to approve the 2005 Drinking Water Supply and Quality Report. Seconded by Mr. Thomas. Motion passed (6-0).

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

A. No Report

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

A. No Report

14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. Executive Session

Mayor Jerkins stated at this time the Council would go into Executive Session to discuss the Sign Ordinance. Ms. Boyd stated she would like to add a potential lawsuit on Group Homes or Halfway Houses.

Ms. Reagan moved to follow the recommendation to adjourn to Executive Session. Seconded by Mr. Thomas. Motion passed (6-0).

Mayor Jerkins stated no voting took place in Executive Session. However, we do have a motion at this time.

Ms. Boyd moved to follow to deny the settlement made March 7, 2006, from MLM Outdoor Advertising, LLC vs. the City of Austell and Jim Graham in the Superior Court of Cobb County, No. 05-1-6640-34. Seconded by Mr. Green. Motion passed (6-0).

15. MAYOR'S REPORT

A. CMA MEETING

**DATE: APRIL 11, 2006
TIME: 6:30 P.M.
LOCATION: SMYRNA**

B. ALCOHOL AWARENESS MONTH PROCLAMATION

Ms. Boyd moved to recommend and approve the Council give Mayor Jerkins the authority to sign the Alcohol Awareness Month Proclamation. Seconded by Mr. Green. Motion passed (6-0).

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16. ADJOURN

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