

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009**

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

The regular meeting of the Mayor and Austell City Council was held on Monday, April 6, 2009 at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Deputy City Clerk, General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend David Pearce 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. Traylor stated he would like to add 11E. – Memorandum of Agreement for Austell Box Board Corporation.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the item added to the Agenda. Seconded by Ms. Anderson. Motion passed (5-0).

Mr. Traylor, Chairman of the Police Department presented a five (5) year pin to Officer Ryan Quibell and Officer Keith Fields. Mayor Jerkins thanked them for their dedication and service to 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 | \$1,898.95 |
| C. Approve Minutes of Regular Meeting | March 2, 2009 |

Ms. Boyd moved to follow the recommendation to approve the Consent Agenda. Seconded by Mr. Thomas. Motion passed (5-0).

4. EXCEPTION TO CONSENT AGENDA

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 2**

5. CITIZENS REPORT

Mr. Frank Johnson with the Baby Land Improvement Group stated he wanted to check in with the Mayor and Council. Mr. Johnson stated they had added several members to their staff. Mr. Johnson introduced Mr. Sam Brown who will be working with the young men in the community as a mentor. Also, Pastor Ellerbee from Causey Baptist Church will be a part of the team. Mr. Johnson stated he had a meeting with Mr. Graham and they had a walk through at the house on Spring Street and he was very impressed. We have a lot of plans. Mayor Jerkins told Mr. Johnson some work would be done on the outside of the house and that we are getting ready to pour the driveway. We will clean up the outside as well. We will paint the inside and turn over to you soon. Mr. Johnson stated he wanted to let Mayor Jerkins know if he had any questions or concerns to please call him. Mayor Jerkins ask Mr. Johnson if they had any furniture for the house. Mr. Johnson stated a lot of items had been donated. Mr. Johnson stated education is the key for these young people. This will make a difference and keep these young people off the streets. Mr. Green asked Mr. Johnson if he had a printer for the computers. Mr. Johnson stated no, they did not. Mr. Green stated he would have the printer at his company and be glad to donate the printer. Mr. Johnson stated he wanted to keep the younger children separated from the older children at the house and he thought this would be more appropriate.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting and the board adopted the gas rate schedule for this billing period.

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

A. Financial Report

**8. GENERAL ADMINISTRATION
RANDY GREEN, CHAIRPERSON
Carolyn Duncan, Director**

INFORMATION ONLY:

A. Garrett Middle School Art Show at Threadmill Complex
Mr. Green stated he would turn this over to Ms. Duncan, City Clerk.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 3**

Ms. Duncan stated for several years the Mayor and Council have been working very closely with Garrett Middle School in many different respects. After attending their Night of the Arts in February it was very apparent how talented these students are both in visual arts as well as performing arts. In speaking with Dr. Phillip Paige who is the principal and talking with Mayor Jerkins it appeared to be a good idea for us to partner with them and allow the students to have a little larger venue for their art. I spoke with Dr. Paige again, and Sue Dowling who is the Art Director at the school. We are going to make available a room in the Threadmill for them to display their work for ten days from the 20th of April through the 30th of April. They will have an opening night and a reception which will be open to the public. We will have the orchestra or the jazz ensemble to come and play and the work will be displayed just like a regular art reception in any museum except on a much smaller scale. They have some very talented students and I think anyone who attends would really enjoy the evening. You can see information about this on our website as far as the time and place. The cost incurred by the City will be minimal. Dr. Paige has funds in his budget for handling the reception and I am working with Ms. Dowling on this and I think it will be a fine project to be co-sponsored by the City and Garrett Middle School.

9. POLICE DEPARTMENT

**DAVID “BO” TRAYLOR, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Privilege License Alcohol Request – Stop Buy Food Mart

Mr. Traylor stated an application has been received from Mohammad Rahmany for an Alcoholic Beverage License for the sale of Package Retail of Malt Beverages and Wine at Stop Buy Food Mart, located at 2954 Veterans Memorial Highway in Austell. A copy of the application and other information is attached. This is the former Quick Pick store. This is a new owner making this application.

A background check on Mohammad Rahmany shows no previous criminal record within the last ten years.

The Police Committee requests Council to approve this application.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 4**

Mr. Traylor asked if anyone had any questions. Ms. Boyd asked if this business had ever been on probation for selling to minors. Mayor Jerkins stated, no, they have never been on probation for selling to a minor. Mayor Jerkins warned the owner Mr. Rahmany how serious it was to sell to a minor and stated the Police Department checked the various locations four times a year to see if you have sold alcohol to a minor. Mayor Jerkins told Mr. Rahmany to be very careful.

Mr. Traylor moved to follow the recommendation of the Police Committee to approve the Privilege License Alcohol Request for Stop Buy Food Mart. Seconded by Mr. Thomas. Motion passed (5-0).

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

- A. Fire Report
- B. Unsafe Building Abatement Update

Mr. Thomas stated the attached is an update of what has been completed on the properties and the current status of each property. Ms. Boyd asked if any progress had been made at 5575 Old Marietta Road. Mr. Graham stated the electrician has pulled the permit the other day, so they are doing work down there. Mayor Jerkins stated they had started work. Ms. Boyd stated she had gone by there several times and nothing had been done. Ms. Boyd stated she would ride by again.

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

- A. Veterans Memorial Highway Sanitary Sewer Improvements, Phase II

Mr. Traylor stated the bid opening for the Veterans Memorial Highway Sanitary Sewer Improvements, Phase II, was held on Wednesday, February 4, 2009 at 10:00 A.M. with fourteen (14) bids received, as follows:

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 5**

<u>Bidder</u>	<u>Bid Amount</u>
G.E.M. Contractors	\$138,344.00
Strack, Inc.	\$139,784.07
Total Development, Inc.	\$139,800.00
Robert M. Anderson	\$153,688.00
Duncan Pipeline, Inc.	\$159,348.70
McGill and Sons, Inc.	\$162,788.00
Dekalb Pipe Company, Inc.	\$163,486.00
C.H. Kirkpatrick and Sons	\$164,366.84
Brent Scarbrough and Company	\$172,721.00
Bryant Pipeline, Inc.	\$179,803.00
Site Engineering, Inc.	\$196,950.00
Savan, Inc.	\$249,779.00
Astra Grading and Pipeline, LLC	\$259,479.50
Shaheed's Construction Company	\$261,029.20

The bids have been tabulated and reviewed by Keck and Wood, Inc. It is the recommendation of the Public Works Committee to award the contract for this project to the lowest bidder, G.E.M. Contractors, Inc. in the amount of \$138,344.00. Funding for this project will come from the fiscal year 2009 budget. Water Fund (505), Veterans Memorial Highway Sanitary Sewer Improvements (4350), line item 54.1400 (Infrastructure). This project is currently budgeted.

The scope of this project includes the installation of approximately 1,043 linear feet of 14 inch, 10 inch, and 8 inch gravity sanitary sewer and the abandonment of two pump stations (Hotel Street and Thompson Street). Once these have been eliminated, this will leave two remaining pump stations in operation (John Street and Scott Drive).

Mr. Traylor moved to follow the recommendation of the Public Works Committee to recommend and award the contract to the lowest bidder, G.E.M. Contractors, Inc. Seconded by Ms. Boyd. Motion passed (5-0).

B. Adoption of Stormwater Utility Ordinance

Mr. Traylor stated at the December 1, 2008 City Council meeting, the Mayor and City Council approved a proposal from Keck and Wood, Inc. for revising the City of Austell's stormwater management fee.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 6**

Staff has met with Keck and Wood, Inc. to discuss our various options and to provide pertinent data to our program.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve and adopt the attached Stormwater Utility Ordinance, ordinance number 2009-01, to become effective May 6, 2009. This is the first step in creating the revised stormwater program. This ordinance will establish the stormwater utility and enterprise fund. Seconded by Mr. Thomas. Motion passed (5-0).

C. Stormwater Inventory Mapping

Mr. Traylor stated the Public Works Department has received a proposal for stormwater inventory mapping throughout the City limits. As a requirement of the City of Austell's National Pollutant Discharge Elimination System and Municipal Separate Storm Sewer System permitting requirements, we are required to map and inventory our stormwater system. This is also a recordkeeping requirement mandated by the Metropolitan North Georgia Water Planning District and the Georgia Environmental Protection Division.

The proposal from Keck and Wood, Inc. includes locating all stormwater structures such as catch basins, drop inlets, detention ponds, culverts, headwalls, and outfalls using a survey grade GPS system. Structures will be attributed where appropriate with the structure type, condition, invert depth, size, material, and a photograph. Once this information has been captured it will be integrated into our existing mapping data.

The estimated cost of this project will be approximately \$28,160.00 and will come from the fiscal year 2009 and fiscal year 2010 Stormwater Management budget.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Stormwater Inventory Mapping. Seconded by Ms. Boyd. Motion passed (5-0).

D. Solid Waste Management Plan

Mr. Traylor stated in order to maintain the City of Austell's Qualified Local Government Status with the Georgia Department of Community Affairs,

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 7**

the Public Works Department is required to prepare an update to our Solid Waste Management Plan covering 2007 to 2017. We are currently out of compliance with this mandate. In order to be eligible for any type of state assistance, we must be in compliance with all of our plans.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve and authorize Keck and Wood, Inc. to prepare, under City staff's direction, the updated 2007- 2017 Solid Waste Management Plan at a cost not to exceed \$17,000.00 Funding will come from the fiscal year 2009 and fiscal year 2010 Solid Waste Management budget. Seconded by Mr. Thomas. Motion passed (5-0).

E. 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, 2009 through February 28, 2010, for Austell Box Board Corporation to maintain and expand its operations in the City.

The Memorandum of Agreement, as presented would re-establish a joint wastewater billing reduction arrangement for a 12-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 annual utility reduction of \$15,000.00, or \$1,250.00 per month, for the agreement term.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Memorandum of Agreement For Austell Bob Board Corporation. Seconded by Mr. Thomas. Motion passed (5-0).

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 8**

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

A. Fee for Gazebo Rental

Mr. Green stated the Parks Committee recommends the Mayor and Council approve the following rates for rental for the Gazebo located at Collar Park. The rental fee will be set at one hundred twenty-five dollars (\$125.00) per hour. The citizens of Austell who pay property tax will receive a fifty percent (50%) discount.

The Parks Committee also recommends approval of the attached rules and regulations for rental of the Gazebo.

Mr. Traylor moved to follow the recommendation of the Parks Committee to approve the fee for the Gazebo rental. Seconded by Ms. Anderson. Motion passed (5-0).

Mr. Traylor stated he had received comments from the citizens of Austell the rental fee was too extreme for the citizens of Austell. I told them I would make it known to the council. You won't be able to decorate the gazebo or anything for weddings. At the committee meeting we discussed we had several requests for rental for weddings. We were trying to figure out how to decorate the gazebo without using tape or some other means to secure decorations. I did make a statement to the people who were inquiring that I would let the Council know it was a high amount to pay and that's where I stand on this subject. Ms. Boyd stated for a wedding you do not use tape to decorate. You would use candelabrum and trees and things like that and wouldn't be using tape. If anyone used tape it would be for birthday parties and such. Also, you would use big baskets of flowers or pots of flowers for weddings. I think for \$62.50 an hour would be what the citizens of Austell would be paying and Mayor Jerkins stated you wouldn't need the gazebo but a couple of hours. Mayor Jerkins stated that price is cheap. Ms. Boyd stated, yes, it is cheap I have discussed with Ms. Reagan and Mr. Graham and we have checked with Marietta and their fee is \$300.00 an hour which is much higher than the City of Austell. Ms. Boyd stated to her knowledge the City of Marietta does not give their citizens a discount. Mr. Green stated consider the cleanup we have to do before and afterwards.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 9**

Ms. Boyd stated it takes two men to cleanup afterwards. Mr. Graham stated if you read further in the rental agreement it says if a couple gets married Monday through Thursday they would get it for half price. If we price it any cheaper we might as well let them have for nothing.

**13. COMMUNITY DEVELOPMENT DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Jim Graham, Director**

- A. 2009 Community Development Block Grant Sub Recipient Agreement
Mayor Jerkins stated Ms. Reagan was not present. Mayor Jerkins recommended the 2009 Community Development Block Grant Sub Recipient Agreement be approved. Mr. Graham stated this grant is for Pine Street and is stated in the grant.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the 2009 Community Development Block Grant Sub Recipient Agreement in the amount of \$28,283.00 for Pine Street Park. Seconded by Ms. Anderson. Motion passed (5-0).

14. CITY ATTORNEY – DUPREE & KIMBROUGH

- A. No Report

15. MAYOR'S REPORT

A. CMA MEETING	AUSTELL
DATE:	APRIL 14, 2009
TIME:	6:30 P.M.
LOCATION:	THREADMILL

Mayor Jerkins stated to the Council the Fire Department has sent three (3) unsafe building abatements. These abatements will be on the May agenda and I wanted to inform everyone. Ms. Boyd asked Mayor Jerkins if he would disclose the three. Mayor Jerkins stated one is across from the cemetery one is across from Austell Grocery Store, and Mark Perry's property across from the Methodist Church. Ms. Anderson asked if the signs are to stay up because the one across from the Cemetery is down. Mayor Jerkins stated yes, they are supposed to be up but we cannot help it if someone tears them down. Mr. Graham stated he would see that another sign be put up.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 6, 2009
PAGE 10**

Mayor Jerkins stated the letters were sent by regular mail as well as sent registered mail. So, they received two letters. Some were spoken to by phone.

Mr. Traylor stated he would like to remind everyone of Clean-up month which will start April 1, through April 30, 2009 and you should have received a notice in your water bill.

16. ADJOURN

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Mr. Green. Motion passed (5-0).