

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, JUNE 6, 2011**

Present: Mayor Joe Jerkins
Kirsten Anderson
Trudie Causey
Randy Green
Virginia Reagan
Martin Standard
Scott Thomas

The regular meeting of the Mayor and the City Council was held on Monday, June 6, 2011 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; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order and Pastor Bob Neal gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any Council Member 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 \$1,650.00
- C. Approve Minutes of Regular Council Meeting May 2, 2011

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mr. Kimbrough stated he attended the meeting 2 weeks ago and the normal business of adopting the applicable gas rate schedule for this billing period was discussed.

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7. FINANCE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON

Denise Soesbee, Chairperson

A. Financial Report

B. Final 2011-12 Fiscal Budget – 2nd Public Hearing

Ms. Reagan stated please find attached a final copy of the 2011-12 Preliminary Budget for your review. I would like to turn this over to Mr. Kimbrough for a Public Hearing.

Mr. Kimbrough stated at this time I would like to call for the 2nd and final Public Hearing and reading of the final Fiscal Year 2011-12 Budget. Mr. Kimbrough asked if anyone had signed up to speak in opposition. No one did.

Ms. Reagan stated please find attached a copy of the 2011-12 Preliminary Budget for your review. Major economic and financial impacts faced by the City are listed below:

Negative Impacts:

1. Franchise Fees from the Austell Gas System have decreased by \$500,000 due to lower gross sales caused by decreases in customer usage and natural gas prices.
2. Healthcare premium estimates increased 14% which has the potential to cost the City approximately \$80,000. Group insurance estimates assume the increase for family and spouse coverage will be passed on to the employee.
3. Fuel costs increased due to current oil prices costing the City approximately \$30,000.
4. Matching funds for City property damaged by the 2009 Flood as well as matching funds for the HMGP buy-back program for residential properties substantially damaged by the flood.

Positive Impacts:

1. Threadmill rent increased 9% and is now at 90% occupancy.
2. Debt service decreased (\$87,000) largely due to the payoff of the fire truck.
3. Stormwater rate increases will be collected for an entire year for fiscal year 2012 generating \$150,000 of additional revenue.
4. More accurate property tax estimates result in a \$60,000 increase.

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For any questions, please contact either Mayor Jerkins or Denise Soesbee.

Mr. Kimbrough asked if anyone had any questions. No one did. Mr. Kimbrough stated having heard no comments or questions, we need a motion to close the second public hearing.

Mr. Standard moved to follow the recommendation to close the Public Hearing for the Final Fiscal Year 2011-12 Budget. Seconded by Mr. Thomas. Motion passed (6-0).

Ms. Reagan moved to follow the recommendation of Mayor Jerkins to adopt the Final Fiscal Year 2011-12 Budget. Seconded by Mr. Thomas. Motion passed (6-0).

C. Penn Credit Contract for Collection Services

Ms. Reagan stated the City currently employs Recovery Assets Bureau for all collections on outstanding utility accounts. Over the past several months we have tried repeatedly to get an update regarding our current balance and have not received any response. Therefore, please find enclosed a collection agency contract for Penn Credit.

Penn Credit is a preferred vendor of the Georgia Municipal Association. They currently charge 16.5% on accounts less than two years old and 19% on accounts older than two years. Recovery Assets Bureau charges 25 percent.

Ms. Reagan moved to follow the recommendation of the Finance Committee to approve the Penn Credit Contract for Collection services. Seconded by Mr. Thomas. Motion passed (6-0).

8. GENERAL ADMINISTRATION

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

A. No Report

9. POLICE DEPARTMENT

**VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, CHAIRPERSON**

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- A. Police Report
- B. Code Enforcement Report

10. FIRE DEPARTMENT

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

- A. Fire Report
- B. MDA Proclamation

Chief Williams stated he would like to report this year's MDA total for three days in the streets was \$4, 627.00 and Mr. Tom Barfield is here tonight to present the Proclamation. Mr. Barfield thanked the Mayor and Council for the City's participation for the MDA, and more importantly, the citizens of Austell for their participation who made this possible. We have had a 50% increase this year over last year and to be honest with you that is unheard because we don't see increases like that in giving. We are very excited and very grateful for what the Austell Fire Department has done for us. We are not subsidized by the government and we rely totally on the citizens of our communities to support our families in need. I do have the privilege and the pleasure to work with the Fire Departments all across North Georgia. I will tell you the Austell Fire Department and the leadership is second to none and it is a great pleasure to work with this Fire Department. We are very grateful for Chief Williams as well as the citizens of Austell.

Mayor Jerkins read the proclamation and presented it to Mr. Barfield.

11. PUBLIC WORKS DEPARTMENT

**MARTIN STANDARD, CHAIRPERSON
Randy Bowens, Director**

- 1. Presentation:
Collis Brown, Project Manager
Georgia Environmental Protection Division
Floodplain Management

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Mr. Standard stated Mr. Brown is the Project Manager for the Georgia Environmental Protection Division Floodplain Management.

Mr. Brown stated he was here to recognize one the City's employees, Mr. Duane Demeritt, for an accomplishment he has received that relates to Floodplain Management. The role of a local Floodplain Manager is ever expanding due to increases in disaster of losses. The Association of Floodplain Managers which is the largest and most respected organization of Floodplain professionals, it was created in 1999 by the Certified Floodplain Manager Program. The primary goal for the Certified Floodplain Manager Program is to promote wide use of the nation's floodplain, help reduce the nation's flood losses and protect and enhance the natural resources and functions of floodplains by improving knowledge and abilities of floodplain manager's throughout the states. The secondary goal is to increase the prominence of floodplain management and decision making by local officials and the public. To be granted the distinction of becoming a Certified Floodplain Manager a person must demonstrate knowledge of the basic National Standard of programs Floodplain Management and pass a three (3) hour comprehensive exam. Today it is my pleasure to present to Duane Demeritt this certificate along with the pin. This certificate certifies that Mr. Demeritt is now a Certified Floodplain Manager, one, of more than four thousand five hundred and six (4,506) Certified Floodplain Manager's nationwide and more than two hundred and sixty (260) in the State of Georgia.

2. For Discussion:

A. Resurfacing/Former Local Assistance Road Program – Cobb County

Mr. Standard stated this topic was discussed earlier at the pre-agenda meeting.

12. PARKS DEPARTMENT

RANDY GREEN, CHAIRPERSON

Jim Graham, Director

A. No Report

13. COMMUNITY DEVELOPMENT DEPARTMENT

TRUDIE CAUSEY, CHAIRPERSON

Jim Graham, Director

A. No Report

14. ATTORNEY – DUPREE & KIMBROUGH

A. Notice of Redistricting And Amendment of Charter

Mr. Kimbrough stated at this time he would like to call for a Public Hearing. The City of Austell will be considering an ordinance amending the City Charter for the reapportionment of election districts based upon the most recent United States decennial census. This ordinance will be considered at the regularly scheduled council meeting for the City of Austell to be held on Monday, June 6, 2011 at 7:00 p.m. and the regularly scheduled pre-agenda council meeting scheduled for June 27, 2011 at 6:00 p.m. at which time it will be the 2nd Public Hearing.

Basically, this is an ordinance amending the charter of the City of Austell, Georgia pursuant to the authority granted at O.C.G.A. Section 36-35-4.1 and in accordance with the procedure set forth at O.C.G.A. Section 36-35-3 Sub-Section 1, Sub-Section B, and Section 5.15 of the Charter for the City of Austell, Georgia to reapportion municipal election wards based on the publication of the United States decennial census of 2010. To establish new election district boundaries in compliance with the requirements of the United States Constitution and pertinent laws governing future elections for members of the City Council for the City of Austell, Georgia and to establish an effective date and for other purposes. Basically, once every ten years when the decennial census is published, all districts and municipalities and all governmental entities have to adjust their wards and their districts accordingly and this is what we are doing here. Everyone has a copy of the map as well as the ordinance and these will be available at the office of the City Clerk, Carolyn Duncan and Austell City Hall as well as the Clerk's Office at Superior Court in Cobb County. We will have the vote tonight for the first reading and the second vote on June 27th 2011. If passed, it will then be sent to the Department of Justice at the Attorney General's office. The actual effective date as to when the Wards changed will for future elections (even passed by the City Council) is dependent upon the Wards being approved by the Department of Justice. The wording is contingent upon that and the notice that will be published leading up to the second reading as well as in the ordinance itself. Mr. Kimbrough asked if anyone had any questions on the ordinance or the maps that are in front of you tonight. No one had any questions.

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Mr. Standard moved to follow the recommendation to close the Public Hearing for the Notice of Redistricting and Amendment of Charter. Seconded by Mr. Thomas. Motion passed (6-0).

Mr. Standard moved to follow the recommendation to adopt the Ordinance for the Election Wards. Seconded by Mr. Thomas. Motion passed (6-0).

15. MAYOR'S REPORT

- A. CMA MEETING
TIME:
LOCATION:

JUNE 14, 2011
6:30 P.M.
Hosted by Acworth
@ Cobb Chamber

Mayor Jerkins asked if anyone had questions or concerns. Mr. Standard stated he had called Marietta Daily Journal and talked with them about these newspaper that get thrown in the citizens yards. I asked them what their justification was in throwing papers in everyone's driveway or yard. I spoke with a young man there and he stated they just throw them until someone complains about them. I personally have complained over the years several times telling them not to throw them on my property. Don't throw them on abandoned property and don't throw them on a driveway where there is eight or more already in the driveway deteriorating. People do not want this and it seems to me this is a backward way of doing things. We will trash your yard until you complain. Can we as a city send them a letter and say unless you have someone that wants a paper or advertisements do not throw them in the resident's yards. They are coming into our city and thrashing it. Mayor Jerkins stated he didn't see any reason why we couldn't write a letter. Mr. Kimbrough stated I know on weekends they will come by and throw marketing material. Mr. Standard stated, again, if I bagged up my trash and threw it on someone driveway till they complained I would be arrested and put in jail. It's wrong and, we need to let them know and this is my opinion. I think it is ridiculous. I think if someone wants that advertising they can call them and request it. There are vacant properties that have thirty papers in the driveway and the yard. Mayor Jerkins stated to Mr. Standard if he would like to write a letter and the other Council Members sign it that would be o.k. and I know it is a problem because I have to pick them off my driveway sometime and I have an empty lot next to my home and they throw one on the empty lot.

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Mr. Standard asked if he needed to write the letter and Mayor Jerkins stated, yes. Mr. Thomas agreed he would sign it. Ms. Causey stated she would witness that. Mayor Jerkins asked if anyone had anything else to add to the meeting.

Mr. Standard stated while we are all here and to give clarification to Chief Starrett on the Code violations. The Chief stated he had two ways to do it and that is to work with them or do it by the book and send them to court and if it gets tied up in Court for a year then we can say we have an excuse for why things are not getting done. If we take a year and a half and we are working with them that is not a good excuse.

I would like to propose we do it by the book write them up and send them to Court and if it gets held up in Court so be it. This is just my opinion and just so the Chief knows which way to go and move forward on this. Mr. Thomas stated if they are found in violation they should be issued a citation. Ms. Causey stated I think they should only be given one ten day notice rather than prolonging it. Mr. Standard stated it is all stipulated in our ordinances on how to do deal with it. Depending on the violation you get thirty days or ten days but let's do it the way it should be because of all the hard work that was done by Mr. Graham and Kathy. Let's just do what we intended to do in the first place. Mr. Thomas stated it definitely needs to be enforced. Ms. Causey stated, yes it does. Mayor Jerkins asked if they would get Mr. Thomas's brother first. Mr. Standard stated, absolutely. Mr. Thomas stated if you find any tags that are out of date write him up. Mr. Standard stated we can go by on June 1, and if we go by on July 1, 2011 and the vehicle hasn't been moved they have to prove it has a tag and if they don't they will have thirty days to comply. Then if they don't after that then it will be a ten day letter and the eleventh day they get a citation. This is the way it is written in the book and it should be done like this. Ms. Causey asked does this also count for vehicles that have parts on them. Mr. Standard stated it will be any vehicle residential or commercial. We can knock out a bunch of junk vehicles in our City one way or another. Also, in our definitions if they don't comply we can go in and tow the vehicle and put a lien on the business to pay us back for towing. It is in the book all we have to do is read it and have Code Enforcement read it and go by the book. Ms. Causey stated she was in agreement. Mr. Standard asked if everyone was in agreement to tell Chief Starrett what to do. Everyone was in agreement.

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Ms. Causey stated no one wants to sign their name on the complaint forms. A lot of the people feel their names are being given out by Code Enforcement. I don't think the names of whoever gives a complaint should be given out. Mayor Jerkins stated back in 1992 the Council voted to have a complaint form filled out and whoever made the complaint would sign their name. This stopped our problem. Ms. Causey stated Code Enforcement does not need to be giving out names to the public. Mayor Jerkins stated any information the City has is considered Public information or Public Record. We cannot withhold any kind of records from the public. Mr. Standard stated people are lazy and they will not come in to get it but if they are told they will take it. Code Enforcement should not volunteer any information to anyone. Mr. Thomas stated this has been before us and we approved the complaint form and voted on the complaint form sometime back. Ms. Causey stated she didn't know.

16. ADJOURN

*Mr. Thomas moved to follow the recommendation to adjourn the meeting.
Seconded by Mr. Standard. Motion passed (6-0).*