

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

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

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

Also present were: Scott Kimbrough, City Attorney; Sandra Farmer, Deputy City Clerk; General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief; Denise Soesbee, Finance Director; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend David O'Dell 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. No one did. Mayor Jerkins presented Mr. Jim Graham, Community Affairs Director with a fifteen year service award plaque. Mayor Jerkins thanked Mr. Graham for his dedicated service. Mayor Jerkins presented Pat Medlin, Assistant Director of Community Affairs with a ten year service award plaque. Mayor Jerkins thanked Ms. Medlin for her dedication and her efforts 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 \$ 1,726.74
- C. Approve Minutes of Regular Meeting May 4, 2009

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

A lady spoke from the audience representing the Board of Directors at Sweetwater C.A.M.P. and she stated she wanted to personally thank the Mayor and Council for their continued support and help.

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We have been in Austell for forty years and very proud to be here and hopefully we will be here forty more. We just wanted to thank you for your continued support and it means more than you could ever know and we are seeing more numbers of people than ever before. This support is also being recognized by our grant funding because we have already received some positive feedback because of local government. She presented the Mayor with a paper weight and thanked the Mayor and Council.

Mayor Jerkins stated he would like to give an update on the plans for C.A.M.P. The City of Austell is planning on doing the same thing as the gas system and they should start in September. They will have on their bill one, three and five dollars you can donate to C.A.M.P. and this will start in September. C.A.M.P. has really done a lot for our community and helped a lot of people and people are in need more now than they have ever been.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated the rates have come down eleven months in a row. The other item we need to do is reappoint members to the Gas Board, Grant Rainwater, R.E. Long and Hank Floyd.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to appoint Grant Rainwater, R.E. Long, and Hank Floyd. Seconded by Mr. Thomas. Motion passed (5-0).

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

A. Financial Report

Ms. Boyd stated tonight we are going to do some budget amendments to comply with our State law. The city must approve budgets for all special revenues and projected funds. You have in your folders all the information.

**B. Establish fiscal year 2008-09 Budget for Municipal Grant Fund (250)
(Please see attached sheets) 7B – 7G**

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- C. Establish fiscal year 2008-09 Budget for AACIC Fund (785)
(Please see attached sheets)

- D. Establish fiscal year 2008-09 Budget for Douglas County SPLOST Fund (330)
(Please see attached sheets)

- E. Amend 2008-09 Budget – Transfer from Community Center and Protection Inspection to Special Activities
(Please see attached sheets)

- F. Amend 2008-09 Budget – Transfer from Planning and Zoning to Austell Supermarket.
(Please see attached sheets)

- G. Amend 2008-09 Budget – Transfer from Protection Inspection to Spring Street Property and Austell Supermarket.
(Please see attached sheets)

Ms. Boyd moved to follow the recommendation of the Finance Committee to approve all these budget transfers and changes. Seconded by Mr. Thomas. Motion passed (5-0).

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H. Nuvox Proposal

Ms. Boyd stated as of April, 2009, the City started paying AT&T on a month to month basis with no contracts pending on phone and data charges. At that time, the City started looking for other and better alternatives for our phone and data lines. After months of trying to get AT&T to submit a proposal, the result is that there would be virtually no change in our current AT&T bill.

Nuvox's proposal can save the City up to \$400 per month or 10% of our total bills. Also, we have spoken with several current Nuvox customers who have been very satisfied with the response time and overall service.

The term of Nuvox's contract is 3 years with an addendum which states that if at anytime Nuvox increases their rates by any amount, the City has the right to terminate the agreement. Also, no equipment or installation charges will be incurred switching to Nuvox and the thirteenth month is free.

Attached is a summary of monthly charges.

Recommendation:

Approve the Mayor to sign Nuvox service agreements.

Ms. Boyd moved to follow the recommendation of the Finance Committee to change the service from AT&T to Nuvox. Seconded by Mr. Thomas. Motion passed (5-0).

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

A. Renewal of Health Insurance 2009-2010

Mr. Green stated at this time he would like to turn the Health Insurance over to Ms. Farmer. Ms. Farmer stated as you recall, we selected Chip Boyd with Heritage Corporate Benefits as our insurance broker. He has researched several insurance companies and received bids from them.

After looking at three (3) proposals, General Administration recommends awarding our health insurance for 2009-10 to BlueCross/BlueShield.

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Kaiser's renewal offer was an increase in premium of 19.5%. BCBS presented excellent coverage at 15.20% increase. (4.3% less than the bid from our current carrier, Kaiser.)

Ms. Farmer stated to Mayor and Council they have the breakdown of the annual premiums and the individual premiums paid by the City and the employees is attached. Mayor Jerkins stated there is going to be a little bit of a change. Ms. Farmer stated, yes sir and I will explain the two plans. We are going to have an HMO Plan 6000XS and a plan called Open Access POS 5200AX Plan. We will have the Open Enrollment meetings next Thursday and Friday at 10:00 A.M. and 2:00 P.M. each day and will explain further the two health plans to the employees. Ms. Farmer turned the meeting over to Mr. Boyd.

Mr. Boyd stated to the Mayor and Council that Heritage did an analysis on the Kaiser plan compared to Blue Cross Blue Shield offerings and I think you have very favorable benefit designs in comparison to Kaiser. The HMO's are very similar and both require referrals to physicians in specialty care.

The Open Access POS is simply a point of service product that has out-of-network benefits with the same HMO network so that you have rich in-network benefits as well out-of-network benefits, and works quite similar to a PPO product. Your Multi-Choice product with Kaiser there is no other product like this because it is a three tier product. It does become quite confusing to the employee because they don't know which benefit they will receive under this plan. Your Open Access POS is a much more traditional type of benefit product which offers in and out of network benefits. Mayor Jerkins asked what are the co-pays going to be? Mr. Boyd stated your current co-pays with HMO Kaiser have been ten dollar (\$10.00) co-pay for a primary care visit and a twenty dollar co-pay for specialty primary care physician. Your Blue Cross Blue Shield HMO will have a twenty-five dollar co-pay for office visit and a twenty-five dollars co-pay for specialty care. They are both paid 100% co-insurance so there is no deductible there is no co-insurance, and no out-of-pocket expense. Mayor Jerkins asked what if have to go to the emergency room? Mr. Boyd stated it is a hundred dollar co-payment. Mr. Thomas asked if you are admitted to the hospital that co-pay is waived. Mr. Boyd stated, yes, that is correct. Mayor Jerkins stated the co-pays are the biggest change and they are saving us some money.

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Mr. Green asked about the drug program. Mr. Boyd stated the pharmacy is quite comparable. Anytime you change from one carrier to another there will be a slight change in the formularies which is the approved list of medications. There is always some slight change. The co-pays for the prescription drugs are as follows: You have different co-pays at the Kaiser facility and also on your current plan you have Rite-Aid and Walgreens. Those are five dollars for generic preferred and ten dollar for brand preferred and twenty-five dollars for non-preferred. These BC/BS co-pays will be Tier 1 and it will be fifteen dollars for generic preferred and thirty dollars for brand preferred, and sixty dollars for non-preferred medications. You have a much broader pharmacy network over the others you have with Kaiser. It will have Wal-Mart, K-Mart, and Kroger almost all of the independent pharmacies. Mayor Jerkins asked if anyone had any questions. No one did.

Mr. Green moved to follow the recommendation of the General Administration Committee to approve the Insurance Renewal 2009-10. Seconded by Mr. Thomas. Motion passed (4-0). 1 Abstained. (Ms. Boyd)

9. POLICE DEPARTMENT

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

- A. Police Report
- B. Code Enforcement Report
- C. Alcohol License Request – Zanzabar

Mr. Traylor stated an application has been received from James and Shawnda Fullwood for an Alcoholic Beverage License for consumption on the premises of Malt Beverages, Wine, and Spirituous Liquor at Zanzabar, located at 1936 Veterans Memorial Highway in Austell. A copy of the application and other information is attached. This is the former Cigar Pub.

A background check on James and Shawnda Fullwood shows no previous criminal record regarding any alcohol violations within the last ten years.

The Police Committee requests Council to approve this application.

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Mr. Traylor moved to follow the recommendation of the Police Committee to approve the Alcohol License Request for Zanzabar. Seconded by Ms. Boyd. Motion passed (5-0).

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

- A. Fire Report
- B. Unsafe Building Abatement Update
(Please see attached sheet)
- C. Unsafe Building Abatement Hearing / Williams Property
(Please see attached sheet)
- D. Unsafe Building Abatement Hearing / Key Property
(Please see attached sheet)

Chief Williams stated City officials have inspected the unoccupied structure (from the exterior) located at 6064 Pine Street. The structure is in an irreparable state and has visible structural problems from the exterior.

Due to the condition of the dilapidated structure, it is our recommendation that the structure be placed in Unsafe Building Abatement for a council hearing at the regular meeting of the Mayor and City Council on July 6, 2009. We recommend that the structure be demolished for the aforementioned reasons.

The owner of the property, Lynda White Williams has been sent notification that states the condition of the property. The notification letter serves as notice of the Abatement hearing.

Mr. Thomas stated he would like to turn the meeting over to Mr. Kimbrough for a Public Hearing. Mr. Kimbrough stated he would like to call for a public hearing in the matter of the unsafe building abatement. The property located at 6064 Pine Street and owned by Lynda White Williams. Mr. Kimbrough asked who will be speaking on behalf of the City? Chief Williams stated he would be. Mr. Kimbrough asked who would be speaking on behalf of the property. Ms. Lynda White Williams stated she would. Mr. Kimbrough swore in both Chief Williams and Ms. White.

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Chief Williams stated the property located at 6064 Pine Street has come under unsafe building abatement. Due to the property in a irreparable state and has visible structural problems from the exterior. There are some structural problems and due to these problems we recommend the structure be demolished for those reasons. Mr. Kimbrough asked if anyone had questions of Chief Williams. Ms. Boyd asked if anyone lived in the structure. Chief Williams stated he presented some photos of the structure. Mayor Jerkins stated he had the photos and passed them around. Mr. Kimbrough asked Ms. White if she had any questions of Chief Williams. Ms. Williams had no questions. Mr. Kimbrough asked the Mayor and Council if they had any questions of Chief Williams. Mr. Green asked if there were problems with the floor structure and the roofing structure. Chief Williams stated both are a problem. Mr. Thomas stated you can see that from the photographs. Mr. Kimbrough stated if are there no questions of Chief Williams we will ask Ms. White to speak on her behalf.

Ms. White stated she would like to repair the house because her grandparents lived in this house. Mayor Jerkins asked Ms. White how much time do you need on the house. Ms. White stated she needed six months. Mayor jerkins stated the concern is the structure is so unsafe. This is our main concern is safety.

If the council decides to let you have six months to fix it up. Mr. Thomas stated it needs to be structurally safe. Mayor Jerkins stated also it needs to be brought up to code. Mr. Kimbrough asked Ms. White if she had spoken with Chief Williams, Pat Medlin, or anyone from Community Affairs, or Randy Bowens on what needs to be done. Ms. Boyd stated it was going to be very expensive. Ms. Boyd also stated to Ms. White she would need some permits. Ms. Anderson asked Ms. White you did say you were on sewage and have a working bathroom. Ms. White, stated, yes, she did. Mayor Jerkins asked if this was part of the house on the right side from the photo would be taken away. Ms. White stated, yes, it would be. Chief Williams stated this was really the most unsafe portion of the structure. Mayor Jerkins stated we need something done pretty quick to make it safe. Ms. Boyd asked Mayor Jerkins what his recommendation would be. Mayor Jerkins stated he didn't have a problem giving her six months as long as they get it done in six months. They need to do something right away as far the part you will tear off and the roof needs to be fixed. It's leaking and it will get worse if something is not done.

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Ms. Boyd stated it would take about sixty days to get the roof and that building torn off. We will give them the next four months to finish.

Ms. Boyd moved to close the public hearing. Seconded by Mr. Thomas. Motion passed (4-0). (1) Abstained. (Ms. Anderson)

Ms. Boyd moved to follow the recommendation of the Mayor and Council to give Ms. White sixty days to tear off the porch and fix the roof. We will give a total of six months to bring to code starting on July 7, 2009. Report the progress to Chief Williams monthly. Seconded by Mr. Thomas. Motion passed (4-0). (1) Abstained. (Ms. Anderson)

Mr. Kimbrough stated he would like to open the public hearing for the Unsafe Building Abatement Hearing for Eric Eugene Key Property. Mr. Kimbrough asked who would be speaking on behalf of the City of Austell. Chief Williams stated he would be speaking. Mr. Kimbrough asked who was present to speak on behalf of Eric Eugene Key Property. No one spoke.

Chief Williams stated city officials have inspected the property located at 5157 Lakeview Court. I have also submitted some photographs of this property. The structure is formerly the office located at Lakeview Condominiums Complex off of Lakeview Court which is off of Flinthill Road right next to Village on the Park. The office now is dilapidated and very run down. Some of the property owners within the subdivision have asked that the Mayor and Council be notified. He did take receipt of the letter and signed for the certified letter. I feel he was aware of tonight's hearing. It is my recommendation that the structure be demolished. It is a very small structure and I don't think it will be expensive to take it out but it is not safe for the children in the area. As you can see it has graffiti on the building and the flooring has holes in it. There is some electrical wiring in there and there is no power in the structure. It is more of a hang-out and an eyesore to the community. Ms. Boyd asked if Mr. Key had called Chief Williams. Chief Williams, stated, no he had not. Ms. Boyd stated well, he just doesn't care. Mayor Jerkins asked if he owned the other property there. Chief Williams stated he would have to check the records. Mayor Jerkins asked this is just one building and it doesn't belong to the Homeowners Association? Chief Williams stated, no, it doesn't. It is in his name alone. Ms. Boyd asked where is the location? Chief Williams told her exactly where it was located.

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Ms. Boyd asked how can we make him tear it down. Mayor Jerkins stated we need to send him a letter and state he has thirty days to tear down and if he doesn't we will do it and charge him for it. The owner of the property, Eric Eugene Key has been sent notification that states the condition of the property. The notification letter serves notice of the Abatement Hearing.

Ms. Boyd moved to close the public hearing. Seconded by Mr. Thomas. Motion passed (5-0).

Ms. Boyd moved to follow the recommendation of the Mayor and Council that the property owner, Mr. Eric Eugene Key who owns the property located at 5157 Lakeview Court be given thirty days to demolish the property, meanwhile our City Attorney will research to be sure everything is correct with title. The City Attorney will send him a letter to notify him of the Council's decision and if he does not make arrangements to demolish the building the City of Austell will tear it down and send Mr. Key the bill. Seconded Mr. Thomas. Motion passed (5-0).

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

A. Purchase of Mini Excavator

Mr. Traylor stated the Public Works staff has been looking at different pieces of excavating equipment and have received the following quotes:

L&N Supply Company	\$66,000.00
Mustang 12002 Mini-Excavator	
Nasser Heavy Equipment, Inc.	\$61,500.00
Hyundai R110LC-7	
Yancey	\$80,500.00

Mr. Traylor moved to follow the recommendation of the Public Works Committee to the purchase of a new mini excavator from L&N Supply Company in the amount of \$66,000.00. This will be financed through ANB Leasing. Seconded by Ms. Boyd. Motion passed (5-0).

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B. Purchase of Meter Reading Handheld Device

Mr. Traylor stated the Public Works Committee has received a quotation for an upgrade to one of our meter reading handheld devices. The handheld device currently in use no longer holds its charge and loses readings after they are collected which causes staff to go back and re-collect readings. The current model is no longer replaceable.

The purchase cost will be approximately \$5,500.00 and will come from the fiscal year 2009 budget.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the purchase of Meter Reading Handheld Device. Seconded by Mr. Thomas. Motion passed (5-0).

C. Purchase of Tire Machinery

Mr. Traylor stated Public Works has received quotations for the replacement of tire machinery equipment. The current equipment in use has been in service for over 20 years. The machinery to be replaced includes a full service tire changer and air compressor. In addition, a tire balancer will be purchased.

Following are the quotations:

Tire Balancer:

Northern Tool and Equipment	\$2,599.99
O'Reilly Auto Parts	\$2,500.00
NAPA Auto Parts	\$2,798.00

Full Service Tire Changer:

Northern Tool and Equipment	\$2,199.99
O'Reilly Auto Parts	\$1,824.99
NAPA Auto Parts	\$2,798.00

Air Compressor:

Northern Tool and Equipment	\$1,799.99
O'Reilly Auto Parts	\$2,650.00
NAPA Auto Parts	-----

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Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the purchase of these three items from O'Reilley Auto Parts in the amount of \$6,974.99. Funding will come from the fiscal year 2009 budget. Seconded by Mr. Thomas. Motion passed (5-0).

12. PARKS DEPARTMENT

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

- A. No Report

13. COMMUNITY DEVELOPMENT DEPARTMENT

**VIRGINIA REAGAN, CHAIRPERSON
Jim Graham, Director**

- A. Annexation and Rezoning of property located at 3100 Joe Jerkins Blvd.
B. Request for Special Land Use Permit for property located at 3100 Joe Jerkins Blvd.

Mayor Jerkins stated he would turn the public hearing over to Mr. Kimbrough. Mr. Kimbrough stated he would open the Public Hearing. Mr. Kimbrough stated there are several requests tonight, one request is for an annexation of said property annexing into the city as well as a rezoning alone with a special use permit. By statute we are required to conduct the zoning matters first before addressing the annexation request. We will do that in the first public hearing. We will handle the application for rezoning of the property and the Special Use Permit in the first hearing and then close that and have the second hearing for the Annexation. At this time I would like to call for a public hearing in the matter of re-zoning for New Birth Community Church from GC to LI property located at 3100 Joe Jerkins Blvd., in LL 1310, parcels 3, 4 and 34 of the 19th district, 2nd section of Cobb County.

Mr. Kimbrough asked who is here to speak on behalf of the New Birth Community Church. Pastor Robert Moore stated he was to be the spokes person. Mr. Kimbrough swore in Pastor Moore.

Mr. Moore stated we have a number of plans on our agenda has far as providing tutorial for our young people. A youth program as well as worship services.

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We will provide classes for dance, for music, a total holistic approach as far as reaching out to the community. Providing a food program called Angel Food which is a national program and a lot of churches use to help feed the hungry. Mr. Kimbrough stated in order to do that you would like to have the property annexed, and you would like to have that property rezoned from General Commercial to Light Industrial property as well as operating a church out of that property. You are requesting a Special Land Use Permit under the Light Industrial zoning category in order to do that. Pastor Moore stated, yes, it was. Mr. Kimbrough asked if anyone had any questions of Pastor Moore. No one did.

Ms. Boyd moved the hearing be closed. Seconded by Mr. Traylor. Motion passed (5-0).

Ms. Boyd moved to follow the recommendation of the Planning and Zoning Board to approve the rezoning of 3100 Joe Jerkins Blvd., in LL 1310, parcels 3,4 and 34 of the 19th district, 2nd section of Cobb County. Also, for the use of the Special Land Use Permit for the New Birth Community Church. Seconded by Mr. Thomas. Motion passed (5-0).

Mr. Kimbrough called for a public hearing for New Birth Community Church a request to annex approximately 5.96367 acres located at 3100 Joe Jerkins Blvd., in LL 1310, parcels 3, 4 and 34 of the 19th district, 2nd section of Cobb County.

Mr. Kimbrough asked who would be speaking on behalf of the New Birth Community Church. Pastor Robert Moore stated he would. Mr. Kimbrough swore in Pastor Moore. Mr. Kimbrough asked Pastor Moore to state the reason he would like to annex into the City of Austell. Pastor Moore stated he would like for all of it to be in one location in Austell. Our outreach and our total mission are to be in Austell to improve the community to the best of our ability as a church. Mr. Kimbrough asked if anyone had any questions. No one did.

Ms. Boyd moved to follow the recommendation the hearing be closed. Seconded by Mr. Traylor. Motion passed (5-0).

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Ms. Boyd moved to follow the recommendation to annex approximately 5.96367 acres located at 3100 Joe Jerkins Blvd., in LL 1310, parcels, 3, 4 and 34 of the 19th district, 2nd section of Cobb County into the city limits of Austell. Seconded by Mr. Thomas. Motion passed (5-0).

C. Term renewals for members of the Planning & Zoning Commission and Board of Variance Appeals.

Mayor Jerkins stated the Community Affairs Committee recommends approval of the following term renewals:

Planning and Zoning	Term	New Expiration Date
Barbara Pendergraft	2 Year	May 31, 2011
Evelyn Bragg	2 Year	May 31, 2011
Martin Standard	2 Year	May 31, 2011

Mr. Traylor moved to follow the recommendation of the Community Affairs Committee to approve the Planning and Zoning term renewals. Seconded by Mr. Thomas. Motion passed (5-0).

Variance Board

Ann Turner	2 Year	May 31, 2011
Valarie Anderson	2 Year	May 31, 2011
Ollie Clemons	2 Year	May 31, 2011

Mr. Thomas moved to follow the recommendation of the Community Affairs Committee to approve the Variance Board term renewals. Seconded by Mr. Traylor. Motion passed (5-0).

14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

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15. MAYOR'S REPORT

A. CMA MEETING

DATE:

TIME:

LOCATION:

NO MEETING

JULY 14, 2009

16. ADJOURN

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