

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, AUGUST 7, 2006**

Present: Joe Jerkins, Mayor
Kirsten Anderson
Beverly James Boyd
Randy Green
Virginia Reagan

Absent: Scott Thomas
David "Bo" Traylor

The regular meeting of the Mayor and Austell City Council was held on August 7, 2006, at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, General Administration/Assistant 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 of Austell First Baptist, gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins presented Mr. George Bach/Fire Dept. with a plaque for his thirty (30) years of service. Mayor Jerkins congratulated Mr. Bach on his thirty years of service. Randy Green presented Mr. Bach with a thirty year pin. Mayor Jerkins then asked if any member of the City Council would like to add items to the agenda. Mr. Bowens stated he would like to add 11B. - Jefferson Street BellSouth Relocation Agreement. Ms. Reagan stated she would like to add 9F. – CycleLine-Motorcycle Shop –Close Street.

Mr. Green moved to follow the recommendation of Mayor Jerkins to approve items added to the agenda. Seconded by Ms. Reagan. Motion passed (4-0).

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 \$2,850.00
- C. Approve Minutes of Regular Meeting July 3, 2006

Mr. Boyd moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Reagan. Motion passed (4-0).

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4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Council. Ms. Ann Turner stated she likes the three targets downtown on Jefferson Street.

Mayor Jerkins stated under 15 B. we have a Proclamation for MDA Austell Firefighter Appreciation Week. Mayor Jerkins stated Ms. Emily Clines was present to receive this proclamation. Mayor Jerkins read the Proclamation and presented it to Ms. Clines. Ms. Clines thanked the Austell Fire Department for their help in raising money for the MDA.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins stated Scott Kimbrough attended the meeting. Mr. Kimbrough stated the discussion was the adoption of the rate schedule and stated the meeting on Thursday night would be an Executive Session meeting.

7. FINANCE DEPARTMENT

BEVERLY JAMES BOYD, CHAIRPERSON

Rachel Yarbrough, Acting Finance Director

A. Financial Report

Ms. Boyd stated the Financial Reports that were issued, have a June date on them instead of July. This is because we are carrying over bills for our last fiscal year. We are still paying bills for last month.

8. GENERAL ADMINISTRATION

KIRSTEN ANDERSON, CHAIRPERSON

Carolyn Duncan, Director

A. No Report

9. POLICE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON

Bob Starrett, Police Chief

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- A. Police Report
- B. Code Enforcement Report
- C. Animal Control Ordinance

Ms. Reagan stated, currently Cobb County Animal Control refuses to enforce the Animal Control Ordinance in Austell due to the City of Austell not having signed a contract with Cobb County. At this time, three cities have not signed a contract with Cobb County. These cities are Austell, Powder Springs and Kennesaw.

Mayor Jerkins stated he would like to update everyone on this topic. Mayor Jerkins stated he had spoken with Sam Olens on this and the conversation was as follows: Chairman Olens stated it did not matter to them, we could do whatever we want to do and they would cover us if we wanted them to, it would have no effect one way or another. Smyrna has a person who works three days a week, Monday, Tuesday and Wednesday and the remainder was not covered. So, Smyrna came to them and asked if they would cover them the remainder of days. Cobb County told them, yes, they would and then Marietta called them to do the same. Cobb County stated, yes, they would cover their area. They only got four people to do this and they said they would have to hire someone. Chairman Olens reiterated they would be glad to cover our area. The reason they did the court change is because they did not want their personnel coming to court in Austell, Marietta, and other various cities. He did say again, they would have to hire more personnel. He said it was very difficult to cover just three days. Mayor Jerkins stated he thought it would benefit Austell to let Cobb County do this, but you will have to decide and let me know. Mayor Jerkins stated the City could not afford to hire someone full-time. Ms. Anderson asked if she made a phone call today when could she expect Cobb County to come out. Mayor Jerkins stated they are definitely going to have to hire more people because this has been a problem. Chief Starrett stated because this has been a problem we could go ahead and sign the contract with Cobb County and at some point in time hire someone part-time if needed. Mayor Jerkins stated he did not want to hire someone part-time because Cobb County would want to do it all. I just need to call Chairman Olens and let him know. Ms. Boyd stated the leash laws are favorable and I think we need to continue with Cobb County. Ms. Anderson stated she had one more question. When you have a dog wandering around do you call Animal Control or Police? Mayor Jerkins stated you need to call Animal Control.

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Mayor Jerkins stated certainly the Police Department would help out if we had a vicious dog in the neighborhood. Ms. Boyd asked couldn't the Police Department enforce our leash law? Mayor Jerkins stated, yes, we could. Mr. Kimbrough stated under the contract both the Animal Control and Police Department would have jurisdiction to issue citations. Depending upon who issued the citation as to who would handle it and which court it would be. This is not stripping Austell's Code Enforcement or Police Department of their duties or powers. Mr. Green stated he didn't see why the Council couldn't go ahead and vote.

Ms. Reagan stated after lengthy discussion she moved to follow the recommendation to sign the Cobb County Animal Control Ordinance. Seconded by Mr. Green. Motion passed (4-0).

D. Mold Problem at Police Department

Ms. Reagan stated at this time I would like to turn this subject over to Chief Starrett. Chief Starrett stated during a Fire Safety inspection, the Police Department was instructed to cut a door in the 911 Center to make evacuation easier in case of an emergency. While cutting the door, mold was located. This mold was determined to have developed from a leaking pipe from a bathroom that was constructed in the 911 Center several years ago, when only one operator per shift was assigned to 911. Now, there are two operators, each shift assigned to 911, and the bathroom is being removed.

However, the mold must be removed under proper guidelines. At the request of the City Safety Officer, Tim Williams, and by approval of Mayor Jerkins, a mold consulting firm was contacted, and tested the mold. The company advised to seal the area with plastic, which has been done. The next step is to have the mold removed and then have the area tested again. A report from the company, containing the "Scope of Work" for removal, is attached.

Currently, the area of contamination is sealed. A copy of the Scope of Work had been given to Disaster Solutions, located on Joe Jerkins Blvd., and an estimate should be provided by Wednesday.

We have contacted two different mold cleanup companies and both are in excess of seven thousand dollars (\$7,000.00) for cleanup. I have discussed with the Mayor and he thought this was too much.

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We took the lowest bid and asked them if they wanted to do this job. They stated, yes, they would.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve Servpro at a cost of fifty-five hundred dollars (\$5500.00) to cleanup 911 area. Seconded by Ms. Boyd. Motion passed (4-0). Mayor Jerkins stated this will come from the Contingency Fund.

E. Donation – GA State Bank to Honor Bondi

Ms. Reagan stated Georgia State Bank wants to donate \$400.00 for a small monument to be placed beside the Police Department in honor of Bondi, our first Police K-9 that has been retired and now has died. The Police Committee recommends that Council approve accepting this donation.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve this donation. Seconded by Ms. Anderson. Motion passed (4-0).

F. Cycleline – Motorcycle Shop- Close Street

Ms. Reagan stated she would like to turn this over to Chief Starrett. Chief Starrett stated Cycleline Motorcycle Shop has always been closed to the public and now they are going to open their store to the public. They asked to close Bankhead Highway at Line Street and Hotel Street on August 19, 2006, from 10:00 A.M. to 4:00 P.M. They have all the signatures from the surrounding businesses to get their permission. They expect about fifteen hundred (1500) people to attend. They want to serve alcohol and I have discussed this with the Mayor. They wanted to obtain a privilege license and sell beer but Mayor Jerkins said they could not do this. Mayor Jerkins stated, if they give the beer away, with the Council's approval, they can do this. They also want to have it catered from Hooters and Fat Cats. They will pay for the Police Officers to keep the roads closed. Ms. Boyd asked if they were going to close Bankhead Highway. Mayor Jerkins stated, no, it would be Line Street and Hotel Street.

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Ms. Reagan moved to follow the recommendation to approve the closing of Line Street and Hotel Street on August 19, 2006, from 10:00 A.M. to 4:00 P.M. for Cycleline Motorcycle Shop grand opening. Seconded by Mr. Green. Motion passed (4-0).

**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. Veterans Memorial Highway Sanitary Sewer Improvements
Change Order Number 1

Mayor Jerkins stated this was discussed in the pre-agenda meeting. This was discussed and authorized to increase the contract amount by \$13,235.00 bringing the new contract price to \$1,146,897.00.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the Change Order Number 1 and increase the contract amount by \$13,235.00 bringing the new contract price to a total of \$1,146,897.00 for the Veterans Memorial Highway Sanitary Sewer Improvements. Funding will come from the Fiscal Year 2007 project budget. Seconded by Ms. Reagan. Motion passed (4-0).

B. Jefferson Street BellSouth Relocation Agreement

Mayor Jerkins stated as part of the Jefferson Street Livable Centers Initiative, we have worked with BellSouth on relocating telephone facilities from aerial to underground. Attached is the relocation agreement between the City of Austell and BellSouth. The total cost for the relocation will be \$18,208.51 and will be due prior to the relocation. Funding for the project will come from the Fiscal Year 2007 Budget. Mr. Bowens stated Jack Burnside stated we could not use any of the monies for the LCI project. Mayor Jerkins stated we would have to take the money from the Contingency Fund.

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It is the recommendation of the Public Works Committee to authorize Mayor Jerkins to sign the relocation agreement, as presented.

Ms. Boyd moved to follow the recommendation to approve the Jefferson Street BellSouth Relocation Agreement and do a Budget Amendment of \$18,208.51 for the labor of the BellSouth Relocation facilities for the Downtown Redevelopment. Seconded by Mr. Green. Motion passed (4-0).

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

- A. No Report

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

- A. Adoption of New Sign Ordinance

Ms. Boyd stated at this time she would like to turn over the Adoption of the New Sign Ordinance to Mr. Kimbrough, City Attorney, for a public hearing. Mr. Kimbrough stated at this time he would like to call a public hearing for the Adoption of the New Sign Ordinance for the City of Austell and asked if anyone had signed up to speak on this subject. The appropriate advertisement was made and I would like to turn this over to Mr. Graham/Director of Community Development. Mr. Kimbrough swore in Mr. Graham.

Mr. Graham stated the reason for this new Sign Ordinance is as follows: In order to protect the public safety, including traffic safety, to assure aesthetic harmony and compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, and to provide for orderly and reasonable display of advertising for the benefit of all its citizens, the governing authority finds that the improper control of signs would be detrimental to the common goals of the city. The governing authority thus determines that the public health, safety and welfare require the adoption of this chapter.

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Mr. Graham stated he would like to read from the Sign Ordinance. (Please see attached Sign Ordinance.) Mr. Kimbrough stated no one had signed up to speak and at this time I would like to close the public hearing.

Ms. Boyd moved to follow the recommendation to adopt the new Sign Ordinance for the following purpose: In order to protect the public's safety including traffic safety, to assure aesthetic harmony and compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, and to provide for orderly and reasonable display of advertising for the benefit of all its citizens, the governing authority finds that the improper control of signs would be detrimental to the common goals of the city. The governing authority thus determines that the public health, safety and welfare require the adoption of this chapter. Seconded by Ms. Reagan. Motion passed (3-1). Randy Green voted against.

14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

**NO MEETING
SUMMER BREAK**

B. Proclamation – MDA Austell Firefighter Appreciation Week
Mayor Jerkins stated he previously presented Ms. Emily Clines with the Proclamation.

Mayor Jerkins stated Mayor and Council needed to adjourn to Executive Session.

Ms. Reagan moved to follow the recommendation of Mayor Jerkins to adjourn to Executive Session @ 7:43 P.M. Seconded by Mr. Green. Motion passed (4-0).

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Mayor Jerkins called the meeting to order and stated no decisions or voting took place in Executive Session concerning the lawsuit. Mayor Jerkins stated he would like to recommend adjourning the meeting.

16. ADJOURN

Mr. Green moved to follow the recommendation of Mayor Jerkins to adjourn. Seconded by Ms. Reagan. Motion passed (4-0).