

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 1, 2008**

Present: Mayor Joe Jerkins
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 Monday, December 1, 2008 at 7:00 P.M. at City Hall.

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

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Scott Kimbrough, City Attorney, 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.

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 \$2,412.26
- C. Approve Minutes of Regular Meeting November 3, 2008

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mr. Scott Kimbrough, City Attorney stated the Gas Meeting will be held this Thursday, December 4, 2008 and nothing unusual anticipated.

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7. FINANCE DEPARTMENT

**BEVERLY JAMES BOYD, CHAIRPERSON
Denise Sosebee, Director**

A. Financial Report

Mayor Jerkins asked when the audit report will be completed. Ms. Sosebee stated Mr. Jimmy Whitaker should have it to her by the end of this week and should have completed by January, 2009.

8. GENERAL ADMINISTRATION

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

A. 2009 Calendar & Directory

Calendar Corrections: (July 14, P&Z Meeting to July 21, 2009)
Directory Corrections: (Pg. 7 – Added Names & Unit Numbers)
(Pg. 16 – Mr. Buddy Griggs taken off of Street Tree Committee)
(Pg. 18 – Birthday Calendar – Added Stephen Garrison’s name – 03/08)

Ms. Anderson stated we have calendar corrections as follows: July 14, 2009 P&Z Meeting will be moved to July 21, 2009. Directory corrections as follows: Pg. 7 - Added Names & Unit Numbers. Pg. 16 – Mr. Buddy Griggs taken off of Street Tree Committee. Pg. 18 – Birthday Calendar – Added Stephen Garrison’s name – 03/08. Mr. Graham stated he is not employed with the City of Austell. His name should be taken off. Ms. Duncan stated his name was given to us by Community Affairs. Mr. Graham stated his department was incorrect in giving us his name. Ms. Duncan stated we will remove the name and make that correction.

Ms. Anderson stated Mr. Traylor has asked her to please remove his home number. It is not a good number and he will notify General Administration when he receives a new number.

Ms. Anderson moved to follow the recommendation of the General Administration Committee to approve the 2009 Calendar and 2009 Directory with the above changes. Seconded by Mr. Thomas. Motion passed (6-0).

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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
- B. Employee Christmas Package

Mr. Thomas stated we have four bids for the Christmas dinner.
Christmas Package includes the following:

Bids for Christmas Meals:

- Breakfast at Tiffany's.....\$1,260.00
- Sister 2 Sister Catering.....\$1,000.00
- Dolly's Farmhouse.....\$1,325.00
- The Seven Sisters House.....\$1,380.00

Christmas Bonus: All full time employees will receive a Christmas Bonus.
The bonus amount will be calculated based on the length of service
with the City using the following formula.

1 to 180 days = 50%
180 + days = 100%

- Nine (9) employees at 50% (\$75.00) = \$ 675.00
 - Eighty nine (89) employees at 100% (\$150.00) = \$ 13,350.00
 - Possible Addition of Four New Employees@ \$75.00 =\$ 300.00
- | | |
|-------------------------------------|---------------------|
| TOTAL | \$14,325.00 |
| Employee Gift Program.....TOTAL | \$ 2,000.00 |
| Floral Table Arrangements.....TOTAL | \$ 150.00 |
| TOTAL PACKAGE PRICE..... | \$ 17,735.00 |

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With Council approval, the total amount of the proposal will be \$17,735.00, using the middle bid for our Christmas meal. The funds will come from the current budget 100/1110, line item 52.3900.

Mr. Thomas moved to follow the recommendation of the Fire Committee to approve the middle bid – Breakfast at Tiffany’s for our Christmas meal. The total amount for the package will be \$17,735.00. The funds will come from the current budget 100/1110, line item 52.3900. Seconded by Ms. Boyd. Motion passed (6-0).

C. New Firefighting Turnout Gear

Mr. Thomas turned this item over to Fire Chief Williams to explain. Chief Williams stated the following proposals are for nine new sets of firefighting turnout gear. Most recently, we submitted a grant request to Local Government Risk Management Services as part of the Georgia Municipal Association’s Safety and Liability Grant Program. Our request outlined the need to upgrade our turnout gear for the continued safety of fire personnel. In October, we received notification that our grant request had been approved for 50% of the total cost for the gear. We are hopeful that in 2009, we will be able to repeat this same grant for the remaining turnout gear needed to upgrade our firefighters. The bids are as follows:

- Cerulean Protective Gear.....\$1,209.00 (set).....Total.....\$10,881.00
- NAFECO Inc..... \$1,329.00 (set)....Total.... \$11,961.00
- Bennett Fire Products.....\$1,354.43 (set).....Total.....\$12,189.87

We recommend purchasing from Cerulean Protective Gear. Cerulean is a new line of gear that is being manufactured in Austell at Gloves, Inc. With your approval, this purchase would come from the current Fire Department budget line item 54.2500. When the grant funds are received, the Fire budget will be reimbursed.

Mr. Thomas moved to follow the recommendation of the Fire Committee to approve the New Firefighting Turnout Gear. Seconded by Ms. Reagan. Motion passed (6-0). Motion passed (6-0).

D. Office of Domestic Preparedness Grant Program (Information Only)

Chief Williams stated in October, Georgia Emergency Management Agency notified our department that the Office of Domestic Preparedness Grant we received in Fiscal Year 2005 will close out at the end of this calendar year. The grant has \$5,888.40 available for specific communications equipment (computers, radios, etc.).

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Last month, we were able to purchase another notebook computer for the new Fire Engine with the remaining grant funds. The unit will be a Motorola ML910 tough book computer with new docking and wireless integration. The unit has been ordered from Diversified at a cost of \$5,884.00.

The purchase was paid from the current Fire Department budget line item 54.2500. The reimbursement request has been forwarded to the Office of Domestic Preparedness/GEMA. When the funds are received, the Fire budget line item will be credited.

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

1. Recommendation and Approval:

A. Stormwater Utility Study

Mr. Traylor stated on April 5, 1999, City Council approved a \$1.00 stormwater management fee to be charged to all water customers. Since State and Federal regulations are becoming more stringent, our office has researched different ways to increase revenues that would self-support the City of Austell's stormwater management program.

The Public Works Department requested proposals for the creation of a revised stormwater utility. Professional firms submitting a proposal were asked to base their proposal on the following seven task items: (1) Quantity Actual and Future Costs of the City of Austell's Stormwater Management Program; (2) Stormwater Utility Rate Structure; (3) Billing System; (4) Credit Policies and Procedures; (5) Create Stormwater Utility Database; (6) Prepare Stormwater Utility Education Program; and (7) Prepare Stormwater Utility Ordinance.

Three proposals were received, as follows:

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|------------------------|-------------|
| Keck and Wood, Inc. | \$22,250.00 |
| Fox Environmental, LLC | \$28,875.00 |
| PBS&J | \$87,651.80 |

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The Public Works Committee met Wednesday, November 12, 2008 and recommends utilizing the services of Keck and Wood, Inc. to revise the City of Austell's stormwater management fee by preparing a study to include the seven task items listed above. By revamping our current fee structure, the new fee would provide an equitable method of charging all customers (residential, commercial, and industrial) based on their impervious surfaces. The additional fees would also support future capital improvement projects, daily operations and maintenance, and would allow the Stormwater Management division to respond proactively to ever-changing State and Federal stormwater regulations.

This was budgeted for the 2009 fiscal year budget. Funding would come from the following budgets:

| | |
|--|-------------|
| 100/4580, 52.1200 (Public Education, Technical) | \$ 1,500.00 |
| 505/4320, 52.1200 (Stormwater Management, Technical) | \$18,000.00 |
| 505/4320, 52.1300 (Stormwater Management, Technical) | \$ 2,750.00 |

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Stormwater Utility Study. Seconded by Mr. Thomas. Motion passed (6-0).

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

A. No Report

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

A. Amendment of the City of Austell Comprehensive Zoning Ordinance

Ms. Boyd stated the Community Affairs Committee recommends the attached amendments be made to the City of Austell Comprehensive Zoning Ordinance. Mr. Kimbrough stated we need to have a Public Hearing on both Amendments.

Mr. Kimbrough opened a Public Hearing pertaining to certain Amendments to the City of Austell Comprehensive Zoning Ordinances. Mr. Kimbrough asked who would represent the City. Ms. Boyd stated Mr. Jim Graham would represent the City.

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Mr. Kimbrough asked who was present to speak in opposition of the proposed zoning amendments. Mr. Graham stated no one was present to speak in opposition of the zoning amendments. Mr. Graham stated we have made some changes on page 126. Mr. Graham read as follows: Please see attached Amendments to Special Requirements reference page 126. Mr. Graham stated on the 13B Amendments to the City of Austell Code of Ordinance is very extensive and I don't know if you want me to read everything in its entirety. We have made some changes 213B, Item C -3 changes were made to read as follows: No vehicle per 300 per square feet of total building square footage may be parked on a hard surface within the right-of-way adjacent to a dwelling unit. "Regularly means a majority of nights in any 21 day period unless they have a permit. Ms. Boyd stated this is for residents who live there all the time. Mr. Kimbrough asked if anyone had any questions regarding the Zoning Ordinance Amendments. No one had any questions. Mr. Graham stated this also means that if any business doesn't comply with these ordinances and if they get passed tonight they are considered to be grandfathered in. The one about the 3,000 foot spacing we will not close down the business. Even though, if we enact this tonight we cannot take away the grandfathered clause on existing car lots and other things. Ms. Boyd stated on page 13B, on page 3 number (4) top of the page it says: Off-street parking must be provided for child pickup and drop off. It should say: Off-street paved parking must be provided for child pickup and drop off. Ms. Boyd asked for everyone to insert paved on this paragraph. Ms. Boyd stated this was all she found to be changed. Mr. Kimbrough asked if anyone had any questions to the proposed changes. No one did. Mr. Kimbrough stated he would bring the Public Hearing to a close for the Amendments to the City of Austell Comprehensive Zoning Ordinances and the Amendment to the City of Austell Code of Ordinances.

B. Amendment of the City of Austell Code of Ordinance

Please see attached Amendments:

Ms. Boyd moved to follow the recommendation of the Community Affairs Committee to approve and adopt the Amendment to the City of Austell Comprehensive Zoning Ordinances and the Amendment to the City of Austell Code of Ordinances. Ms. Reagan asked if we vote on these together. Mr. Kimbrough stated they can be done together. Seconded by Ms. Reagan. Motion failed (4-3). Voting for were Ms. Boyd, Ms. Anderson & Ms. Reagan. Voting against were Mr. Traylor, Mr. Green, Mr. Thomas and Mayor Jerkins.

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14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

| | |
|----------------|-----------------------|
| A. CMA Meeting | Smyrna Holiday Dinner |
| DATE: | December 9, 2008 |
| TIME: | 6:30 P.M. |
| LOCATION: | Community Center |

Ms. Reagan asked about the gifts for door prizes fro the CMA Christmas Party. Ms. Duncan stated we need to get five (5) gifts for door prizes. Ms. Reagan stated she thought it was only three (3) this is what we did last year. Ms. Boyd agreed. Mayor Jerkins stated we need to write three checks for \$25.00 each or whatever you agree on.

B. Disposition of property located at 5948 Spring Street

Mr. Kimbrough stated to Mayor Jerkins we need to have Executive Session on this property. Mayor Jerkins stated there is no money involved so I don't understand why we need to have Executive Session this matter. Mr. Kimbrough stated since we are not using the citizens funds for anything we can go forward without Executive Session. Mayor Jerkins stated that Mr. Ray Barnes was kind enough to donate the property located at 5948 Spring Street to the City. I think we need to have Leo Clifton do the closing of the property and the City of Austell will pay the closing costs. There has been a new roof put on the house and also some wiring installed in the house and now he will finish the repairs and he is not charging us one nickel. While we are talking about this, I would like to say to Mr. Frank Johnson representing Babyland is here and we are also talking about letting you use this property. It may be a few months before we can have the property available for you. Once we get this closed out and once the City agrees with everything. Mr. Johnson stated he was excited about this and hoped it would help the issues in Babyland. I have gone to the high school a couple of times on some issues and I have called the police several times about some issues. I don't know what we need to do to get a handle on everything. I think once we get the facility up and running it will be a safe haven and it will help to educate against the gangs and bring the former gang members in to speak to the younger kids and we realize the school can't do it all. We appreciate all the council is doing to help us. Mayor Jerkins stated he appreciated everyone involved in helping with this matter. Mayor Jerkins stated once we get possession of the property we will ask you to come look at the property and give us

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your opinion. Mayor Jerkins asked if anyone had any questions or concerns. No one did.

Mr. Traylor moved to follow Mayor Jerkins recommendation to approve and accept the donation of the property donated by Mr. Ray Barnes located at 5948 Spring Street, Austell, GA. Seconded by Green. Motion passed (6-0).

Mayor Jerkins asked if anyone had anything further discuss. Ms. Boyd stated she would like to discuss the Thank You note that was sent by Ms. Ramsey thanking the City for a great Halloween Festival. I thought this was very nice. I would also like to thank Jim Graham's department and Randy Bowens department for all the hard work on the Christmas lights, it is absolutely beautiful this year. Mayor Jerkins stated it's really looks good.

Mayor Jerkins stated the new Committee appointments have been assigned (please see attached sheet). These appointments will be effective January 1, 2009.

16. ADJOURN

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

COUNCIL COMMITTEES 2009

| Time | Committee | Chairperson | Members | Director |
|---------------|------------------------|--------------------|---|------------------------------|
| 2:30 PM | Finance | Beverly J. Boyd | Joe Jerkins Kirsten Anderson Bo Traylor | Denise Soesbee |
| 3:00 PM | Police | David "Bo" Traylor | Joe Jerkins Kirsten Anderson Scott S. Thomas | Bob Starrett Police Chief |
| 3:30 PM | Public Works | David "Bo" Traylor | Joe Jerkins Randy P. Green Virginia A. Reagan | Randy Bowens |
| 4:00 PM | General Administration | Randy Green | Joe Jerkins Beverly James Boyd Scott S. Thomas | Carolyn Duncan |
| 4:30 PM | Fire | Scott S. Thomas | Joe Jerkins Randy P. Green Kirsten Anderson | Tim Williams Fire Chief |
| 5:00 PM | Parks | Randy P. Green | Joe Jerkins Beverly James Boyd Virginia A. Reagan | Jim Graham |
| 5:30 PM | Community Affairs | Virginia Reagan | Joe Jerkins Randy Green Bo Traylor | Jim Graham |
| Mayor Pro Tem | | Scott Thomas | | |