

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
DECEMBER 3, 2007**

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

The regular meeting of the Mayor and Austell City Council was held on December 3, 2007, at 7:00 P.M. at City Hall.

Also present were: Hylton Dupree, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Assistant Director, General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Development Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend Bob Neal gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any member of the Council would like to add items to the agenda. Ms. Boyd stated she would like to add 7B.-Upgrade to TBS System. Mr. Traylor stated he would like to add 11B. – Sidewalk Replacement-Jefferson Street and Carol Way and 11C. – Proposal for Engineering Services for Spring Street and Line Street Sidewalks. Mayor Jerkins recommended these items be added to the agenda.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to add the items to the agenda. Seconded by Mr. Thomas. Motion passed (6-0).

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 1,530.86
- C. Approve Minutes of Regular Meeting November 5, 2007

Ms. Boyd moved to follow the recommendation to approve the Consent Agenda. Seconded by Mr. Thomas. Motion passed (6-0).

4. EXCEPTION TO CONSENT AGENDA

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5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to Mayor and Council. Ms. Nancy Green stated her name and stated she had spoken to Mayor Jerkins on November 12, 2007, in reference to my problem. My problem is the water main breaks under the driveways. I haven't met Randy Bowens yet. This is a big concern of mine. Mayor Jerkins stated he needed to brief the council on this matter. We have about six houses with the same problem. Ms. Green stated there has been some in the past. Mayor Jerkins stated in 2001 we passed an ordinance stating you had to have copper lines run. Evan Schultz put some lines in that were not copper. Randy Bowens has talked to Evan Schultz and they were supposed to do something about this and apparently they haven't. Mr. Bowens stated he had spoken with Ryan Schultz, Evan's son, and dealing with Ryan back and forth and talking with Ms. Green and the residents at Deerfield Subdivision, the Phase I portion of Deerfield, and told Ms. Green I needed a letter according to Ryan Schultz, which is Evan's son, and Ms. Green has solicited all the property owners at Deerfield Subdivision and we have that package ready and they just picked up that package today. We have also given Ryan all the addresses and locations that have been experiencing water problems. These are service lines that are going under the driveways. I asked and stressed to all the property owners this was not polybutylene the old pipe they ceased to manufacturer years ago. This is acceptable quality PVC pipe and adheres to all the international building codes. For whatever reason it could be a manufacturer's defect of that pipe. I have turned this information over to him and spoken with him and updated him on what had been going on because he had been out of the country. I didn't expect Ryan, his son, would make any kind of a decision until his father, Evan, came back into the country. We met for about an hour today and gave him all the letters from the property owners out at the subdivision and he has made several calls back to me in regards to that and he turned those letters and that information over to his plumber/contractor that he uses. This is kind of unusual because it is leaking under the driveways, not all of them but some. We are suspecting some kind of material defect. It is not installation but it could be something under the driveway. We are going to pull one of those lines out and send it back to the plumber and to the manufacturer to see if it is a defect. Mayor Jerkins stated, Randy, we are getting off track now. I want something done. I am not concerned about pulling the line because Ms. Green has to cut her water off and on. I want somebody out there the next day to fix her waterline with the copper lines and if the City has to pay for it we will and then we will charge Evan Schultz and if he doesn't pay for it we will sue him.

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We don't need to worry about what is already there. We required copper and he has not done that so Evan needs to get on the ball and fix it. It has already been over three weeks. This is not right, and I want it fixed now. Mr. Bowens asked Mayor Jerkins if he was giving him permission to do the job. Mayor Jerkins stated, yes, I want it done tomorrow or the next day. My concern is getting this resident's water leaks fixed because we are going to have to adjust her water bill and there are some more residents we will have to do the same thing with. Mayor Jerkins asked Ms. Green if she understood. Ms. Green stated, yes, she did. Mayor Jerkins stated we will get the current water leaks fixed and then worry about the others later. Somebody will be out to your home tomorrow or the next day. Ms. Green stated the biggest problem was the pool. Mr. Bowens asked if he may comment on this matter. Mr. Bowens stated the pool house is a totally different situation. The initial leak was five hundred and something dollars and that leak was a result of a urinal inside the pool house. Mayor Jerkins stated to Mr. Bowens this had nothing to do with our lines. Mr. Bowens stated this was the first leak and the second leak came where a valve inside the pool house was left on and the water was constantly going through the shimmer and going through the storm drain. We actually went out there to investigate and assist to find the problem. After we found the problem they called in a plumber and it took sometime to get there and build it and it actually got up to about thirteen thousand dollars and we had notified them several different times. Mayor Jerkins stated this had nothing to do with our water lines and the City had nothing to do with the pool in the subdivision. We should have had it inspected and why we didn't I don't know. Copper should have been put in and we require copper. We passed an ordinance in 2000 for these subdivisions and her house was put in a year later and the ordinance was already in place and the copper should have been in place and wasn't. Cobb County does not require copper so if you had been in Cobb you would have your own problem. However, something will be done about this matter and it will be fixed. We will adjust your water bill regarding this matter. Ms. Anderson stated she would like to ask a question on this matter. I am aware that he is the developer on a couple of other projects and do you foresee the same problems with his developments? Mayor Jerkins stated the developments have already been checked and the copper was installed in all of them. There is probably about (80) eighty houses or less.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

- A. 2008 Resolution for Tax Anticipation Note for Austell Gas System
Mayor Jerkins asked for this Item to be tabled tonight.

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Mr. Traylor moved to follow the recommendation of Mayor Jerkins to table the 2008 Resolution for Tax Anticipation Note for Austell Gas System. Seconded by Ms. Boyd. Motion passed (6-0).

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

- A. Financial Report
- B. Upgrade to TBS System

Ms. Boyd stated the Finance Department respectfully requests the approval of \$7,532.00 to be spent on the following budgeted items.

Vendor	Description	Amount
Intandem	Router to accommodate Software Upgrade	\$1,132.00
TBS	Software Upgrade	\$6,400.00
	TOTAL	\$7,532.00

Below are the account numbers that will be charged:

Department	Account Number	Amount
Water Department/Administration	505/4410 54.2400	\$2,000.00
Water Department/Distribution	505/4440 54.2400	\$5,532.00
	TOTAL	\$7,532.00

Ms. Boyd moved to follow the recommendation of the Finance Department to approve the TBS Software Upgrade Purchase/Router Purchase. Seconded by Mr. Thomas. Motion passed (6-0).

**8. GENERAL ADMINISTRATION
KIRSTEN ANDERSON, CHAIRPERSON
Carolyn Duncan, Director**

- A. 2008 Calendar & City Directory

Ms. Anderson stated she had one correction to make. On the Board of Zoning Appeals, Ann Turner, it has the expiration date as May 31, 2008. It should read May 31, 2009.

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Ms. Anderson asked if anyone had any corrections to the 2008 Calendar and City Directory. No one had any corrections.

Ms. Anderson moved to follow the recommendation of the General Administration Committee to approve the 2008 Calendar and City Directory. Seconded by Ms. Boyd. Motion passed (6-0).

B. Ratify Election Results

Ms. Anderson stated we have the consolidated municipal returns to ratify the election results for the Council At Large position that took place on November 6, 2007, with Randy Green, Council Member, receiving (77) seventy-seven votes and opponent Steven Defnall receiving (58) fifty-eight votes.

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to ratify and approve the Election Results. Seconded by Ms. Reagan. Motion passed (6-0).

C. Correction of Minutes September 10, 2007 – Page 15, last paragraph, Mr. Jordan to Mr. Anderson

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to approve the correction of the minutes on September 10, 2007 – Page 15, last paragraph, Mr. Jordan to Mr. Anderson. Seconded by Ms. Reagan. Motion passed (6-0).

**9. POLICE DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Body Armor Vests Purchase

Ms. Reagan stated the Police Department budgeted for the purchase of Body Armor Entry Vests. Grants are available to assist in this purchase. Captain Henson has applied for, and has the City pre-approved for a grant paying 50% of the total purchase. The cost of the vests at approximately \$1,125.00 each, for eight vests, would be approximately \$9,000.00, the City portion being approximately \$4,550.00 after the grant.

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Also, we can apply for a Local Government Risk Management grant which may pay 50% of the City's cost. This could result in the cost to the City being approximately \$2,275.00 for this purchase. The Police Committee requests Council to approve the Police Department to go forward with this grant application and purchase.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Body Armor Vests Purchase. Seconded by Mr. Green. Motion passed (6-0).

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

A. Fire Report

B. Employee Christmas Package

Mr. Thomas stated the Christmas Package to include the following:

Bids for Christmas Meals:

- Meal Express.....\$1,000.00
- Sue Brown (Formerly Courtni's).....\$1,100.00
- Catered Affairs.....\$1,647.04

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%

- Seven employees at 50% (\$75.00) = \$ 525.00
- Ninety (90) employees at 100% (\$150.00) = \$13,500.00
- Possible Addition of Four New Employees @ \$75.00 = \$ 300.00

TOTAL = \$14,325.00

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Employee Gift Program:.....	TOTAL	= \$	2,000.00
Floral Table Arrangements:.....	TOTAL	=\$	150.00
<u>TOTAL PACKAGE PRICE.....</u>			<u>\$17,575.00</u>

Mr. Thomas moved to follow the recommendation of the Fire Committee to approve the total amount of the proposal \$17,575.00 using the middle bid from Sue Brown (Courtnei's) for our Christmas meal. The funds will come from the current budget 100/1110, line item 52.3900. Seconded by Ms. Boyd. Motion passed (6-0).

C. Fire Engine Lease/Purchase Agreement

Mr. Thomas stated the new Smeal Fire Engine is near completion. We expect delivery sometime near the end of January 2008. With the approval of \$100,000.00 from the Austell Area Community Improvement Committee towards this purchase, the amount to be financed will be decreased to \$298,000.00. The attached lease/purchase agreement proposal from ANB Leasing Services outlines cost factors that you have previously approved.

This will be a three year agreement with the first lease/purchase payment due in January of 2009. The final payment will be in January of 2011. At the current interest rate of 4.70%, the annual payment will be \$108,813.57. The interest rate could change before we actually sign this agreement.

Mr. Thomas moved to follow the recommendation of the Fire Committee to approve the terms of this proposed lease/purchase agreement. Seconded by Ms. Reagan. Motion passed (6-0).

11. PUBLIC WORKS DEPARTMENT

**DAVID "BO" TRAYLOR, CHAIRPERSON
Randy Bowens, Director**

A. Joe Jerkins Boulevard and Joe Street – Proposed Four Way Intersection

Mr. Traylor stated it is the recommendation of the Public Works Committee to install two (2) stop signs at the following streets:

- (1) Joe Jerkins Boulevard at Joe Street
- (2) Joe Jerkins Boulevard at Landers Street

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Installing these additional signs would create two (2) four-way stop intersections and would slow down high speed traffic in this area.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the two (2) stop signs on Joe Jerkins Boulevard at Joe Street and Joe Jerkins Boulevard at Landers Street. Seconded by Ms. Reagan. Motion passed (6-0).

B. Sidewalk Replacement – Jefferson Street and Carol Way

Mr. Traylor stated as part of the Special Purpose Local Option Sales Tax (SPLOST) Transportation Improvement Projects, the Public Works Committee requests the approval to award bids for the replacement of sidewalks on Jefferson Street and Carol Way. Please see the following three requests for proposals we have received:

Jefferson Street:

Shackleford and Son Construction Company - \$48,607.42
Classic Curb, Inc. - \$58,900.00
Larry Concrete - \$21,000 - **Not Bonded**

Carol Way:

Shackleford and Son Construction Company - \$3,140.00
Classic Curb, Inc. - \$3,000.00
Larry Concrete – **Not Bonded**

Mr. Traylor moved to follow the recommendation of the Public Works Committee to award the bid to Classic Curb, Inc. for the replacement of both sidewalk projects. Classic Curb, Inc. has previously done sidewalk work for the City and we have been very pleased. Funding in an amount not to exceed \$61,900.00 will come from the fiscal year 2008 budget, SPLOST Fund (325), account number 31.3210 (SPLOST Revenue – DOT Projects). Seconded by Mr. Thomas. Motion passed (6-0).

Mayor Jerkins asked if anyone had any questions. Ms. Boyd stated she had a question. Why did we not get three bids? Mr. Traylor stated the third company was not bonded and we could not accept the bid. Ms. Boyd stated so we just had the two companies. We need to waive the three bid process before we accept one of these companies.

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Mr. Bowens stated we solicited several different companies for this project and we have not received anything as of today. We called yesterday to another company and no one ever called us back.

Ms. Boyd stated she understood but we need to waive the three bid process. Mayor Jerkins stated we actually had the three bids but it is not showing the three bids. I don't know that we need to waive the three bid process but actually they had four bids and were not listed.

Mr. Traylor stated he would amend his motion and waive the three bid rule and accept the two bids that were submitted. Mayor Jerkins asked if he was going with the lowest. Mr. Traylor stated, no, not the lowest. The reason we are going with Classic Curb, Inc., we have observed their work and they have always done a good job for the city. Ms. Anderson asked if the other work was done for the city or did we just observe somewhere? Mr. Traylor stated the previous work was done for the city. Ms. Duncan asked for clarification to be made on the previous motion.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to waive the three bid rule and award the bid to Classic Curb, Inc. for the replacement of both sidewalk projects. Classic Curb, Inc. has previously done sidewalk work for the City and we have been very pleased with their work. Funding in the amount not to exceed \$61,900.00 will come from the fiscal year 2008 budget, SPLOST Fund (325), account number 31.3210 (SPLOST Revenue – DOT Projects). Seconded by Ms. Reagan. Motion passed (6-0). The first motion will not survive and this motion the second one, will survive.

Mayor Jerkins stated the next time we have four bids please have them available for council to review. This will eliminate confusion.

C. Proposal for Engineering Services for Spring Street and Line Street Sidewalks

Mr. Traylor stated Keck and Wood, Inc. has submitted a proposal for engineering services to design sidewalks along Spring Street and Line Street. The project limits for Spring Street are from the new Sweetwater Creek Greenway and Trail Project trailhead to Wilson Street, a distance of approximately 700 feet. The project limits for Line Street are from Veterans Memorial Highway to Bowden Street, a distance of 1,600 feet.

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Mr. Traylor moved to follow the recommendation of the Public Works Committee to utilize the services of Keck and Wood, Inc. to design sidewalks for Spring Street and Line Street .

Funding in an amount not to exceed \$42,800.00 will come from the fiscal year 2008 budget, SPLOST Fund (325), account number 31.3210 (SPLOST Revenue – DOT Projects). Seconded by Ms. Boyd. Motion passed (6-0).

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

A. Information Only: Christmas Tree Lighting

Mr. Green stated he would like to remind the Mayor and Council of the Christmas Tree Lighting at 6:00 P.M. on Friday, December 7, 2007.

Mayor Jerkins stated he needed to speak to the Council on some upcoming problems. The Christmas Tree and the Gazebo will be taken down by the railroad not long after the tree lighting. They have a new (500 ft.) five hundred foot visibility law which has come into effect. They are going to clear all the trees and they may get some in front of the City Hall. They own the property and we lease a little bit of property from the railroad in front of the City Hall. Mr. Thomas asked are they going to get the gazebo, too? Mayor Jerkins stated, yes, they are going to tear down the gazebo. Ms. Boyd stated she had a question. If we had those cross bars, like Smyrna and some of the other cities, would this make a difference? Mayor Jerkins stated they told Mr. Graham about taking down the trees and the gazebo and the railroad came out the other day and started measuring and told him they would be taken down right away. Ms. Boyd asked Mayor Jerkins if he could talk with Joel Harrell at the railroad. Mayor Jerkins stated Mr. Harrell had nothing to do with this and there is nothing he can do because it is a law. I built the gazebo and it was dedicated to my wife and it means a lot to me, too. I'll try to do something but I am telling you it won't happen. We have interest money we can spend and we need to pick a place and start over and build something nice. Ms. Boyd stated we've already talked about outgrowing the area anyway. My concern is how the city will look with the trees down. Mayor Jerkins stated we do have money to plant trees and we just need to pick a spot to build something real nice.

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The number one expense for the railroad is death insurance and liability insurance, because someone was killed on the tracks. Mr. Green asked if the gazebo could be moved.

Mayor Jerkins stated it would cost more to move it so why not build a new one. Mr. Thomas stated we have a builder who could do an excellent job. Mayor Jerkins stated we have plenty of time to decide and act positive about the entire matter. Mr. Givens stated the city attorney could ask for a stay and waiver from the railroad and present it to Governor Perdue. Governor Perdue could have some influence with the railroad because this is an historical area. Ms. Boyd stated she disagreed. Ms. Turner stated there is a company who could move the gazebo as Mr. Green suggested. Mayor Jerkins stated it would weaken the structure. Mr. Green stated maybe we could move it a short distance. Mayor Jerkins stated this is something we will have to decide. Mr. Standard asked when they said the 500 foot visibility were they walking down the track or on the train? Mayor Jerkins, stated, no, they were walking down the track. Mr. Graham stated they measured from the intersection 500 ft. in each direction. They are talking about line of sight. Mr. Standard asked when they take all of this down will we get less horn noise? Mayor Jerkins stated, no, they will not lay off the horn. Ms. Turner asked what the Vinings area did to cut back on the horn noise. Mayor Jerkins stated he didn't know, but I imagine they still blow the horns.

13. COMMUNITY DEVELOPMENT

BEVERLY JAMES BOYD, CHAIRPERSON

Jim Graham, Director

A. Replacement of Welcome Signs Entering Austell

Ms. Boyd stated it has come to our attention of the Community Affairs Department that the signage on the City's 'Welcome to Austell' signs, one located on Austell Powder Springs Road and the other on Veterans Memorial Highway, is in need of replacement.

We asked for estimates to replace the two (2) existing 48'X96' wooden signs with new ones using routed High Density Urethane (HDU). HDU will not warp, rot, split or crack like wood and has a five (5) year warranty.

The following bidders will be bonded:

- | | |
|------------------------|------------|
| 1) FLgraphix, Inc. | \$2,743.35 |
| 2) Airbrush Plus Signs | \$3,900.00 |
| 3) Best Signs | \$4,500.00 |

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Ms. Boyd moved to follow the recommendation of the Community Affairs Department to approve the low bid made by FLgraphix, Inc. of \$2,743.35 Secoded by Ms. Reagan. Motion passed (6-0).

B. Push Rod Car Club Show

Ms. Boyd stated the Community Affairs Department has received a request from the Powder Springs Push Rod Car Club to use the parking lot of the Threadmill Complex to host a Car Show on Saturday, October 4, 2008.

The attached proposal gives the details of the setup for the event and confirms the club will have proof of insurance, will be responsible for all clean up, provide port-a-johns and that no alcoholic beverages will be allowed.

In addition to this, and as part of the minutes, we recommend if this request is approved, there be absolutely no burn-out demonstrations during the event and all other rules set forth by this Department be adhered to. Also, we leave the right side of the parking lot for our tenants who might be there on Saturday. I would like to ask they work close with the Community Development Director Mr. Jim Graham on any request or concerns they may have.

Ms. Boyd moved to follow the recommendation of the Community Affairs Department to approve the Powder Springs Push Rod Car Club Request to use the Threadmill Parking Lot. Secoded by Mr. Green. Motion passed (6-0).

14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE:	December 11, 2007
TIME:	6:30 P.M.
LOCATION:	Acworth – Christmas Social

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Carolyn Duncan, City Clerk, stated she had spoken with the City of Acworth and they have oversold the restaurant. The people who have reservations are fine, but please make sure you will be going and if not, please notify me as soon as possible.

Mayor Jerkins stated the dedication for George Beavers Park will be December 12, 2007, at 2:00 P.M.

16. ADJOURN

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