

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, APRIL 2, 2012**

Present: Mayor Joe Jerkins  
Kirsten Anderson  
Trudie Causey  
Virginia Reagan  
Scott Thomas  
Suzanne Thomason

Absent: Martin Standard

The regular meeting of the Mayor and City Council was held on Monday, April 2, 2012 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 Department; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief and Tim Williams, Fire Chief.

**1. CALL TO ORDER**

Mayor Jerkins called the meeting to order. Scott Kimbrough gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked the Council if anyone had any items to add to the Agenda. Ms. Anderson stated she would like to add 11B. – Purchase of Equipment through Special Purpose Local Option Sales Tax Funds-Information Only. Mr. Thomas stated he would like to add 12A. – Community Development Block Grant (CDBG) Program Subrecipient Agreement.

*Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the items added to the Agenda. Seconded by Ms. Anderson. Motion passed (5-0).*

Mayor Jerkins presented a Plaque and Pin to Officer Timothy Koutlas for fifteen (15) years of service with the City of Austell. Mayor Jerkins stated he would like to tell a story about Officer Koutlas. Mayor Jerkins stated he had a lady call him to complain about Officer Koutlas and how he was rude to her. The more I talked to her she finally admitted she was the one that was rude. I knew it had to be her instead of Officer Koutlas because he has always been so nice and courteous to everyone. So, if you ever get a ticket hope you get one from Officer Koutlas. Mayor Jerkins thanked Officer Koutlas for his hard work and his service and dedication throughout the years. Mayor Jerkins also presented a five (5) year pin to Officer Armando Cipriano and thanked him for his hard work and efforts to the City of Austell.

Mayor Jerkins stated he would like to recognize a few people in the audience. We have Doris Devey who is the Mayor of Hiram.

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Ms. Devey has just been elected and she has a Council Member with her but I am sorry I don't know his name. I met with Doris recently and we discussed some issues and we certainly appreciate her being with us tonight. Also, Gene Clark is here tonight and he is running for Judge and I will give him the opportunity to speak to everyone. Mr. Clark introduced himself and stated he was running for State Board Judge Division Two Traffic Court Division. There will be three or four of us running for the position. It is a non-partisan race and it will be on the Democratic and Republic ballot on July 31, in the primary. I have lived in Cobb County since 1973 and I have practiced law in Marietta for thirty-four (34) years. I think I have the experience both life experience as well as legal experience to do an excellent job for you. Twenty years ago I was honored by the voters of West Cobb to serve in the General Assembly in the State House of Representatives to represent West Cobb. We had multi-member districts. I was married forty-two years to a lady named Frances Hannah Clark and she passed away rather suddenly this past July. For years she was a teacher at Garrett Middle School. For the remaining years she was an Administrator at Cooper Middle School. She and I developed a love for South Cobb. She spearheaded a clothing drive after the flood in her school. I would appreciate if you would consider and remember my name if you can and give me consideration for your vote. If you have any questions I will be glad to answer them and thank you. Ms. Turner asked Mr. Clark if he had a sense of humor. Mr. Clark stated he 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 \$1,067.07
- C. Approve Minutes of Regular Council Meeting March 5, 2012

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

**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Ann Turner stated she would like to speak to the Mayor and Council. Ms. Turner stated she would like her street light back. Ms. Turner stated a couple of years of ago a storm came through and knocked down a bunch of trees and power poles. One of the poles it knocked down is the one that has the street light on it.

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Mr. Bowens stated he had already called Georgia Power about the street light and they have it on their schedule to come out. Mr. Bowens stated he would call again and check on it. Ms. Turner stated there are usually a whole bunch of cruisers sitting on the side of the building. Mayor Jerkins stated are you saying Police Cars. Ms. Turner stated, yes I am. Ms. Turner stated would there be any way the Police Cars could sit at the entrance of the City such as on Veterans Memorial Highway coming from Thornton Road and because traffic does not slow down to thirty-five miles an hour. No one has to be in the car it just needs to be seen. Mayor Jerkins stated we have done that when we are short of Officers but I really don't think we need to do that now because we have enough Officers. We have some new cars coming in and we will be getting rid of the some of those that are parked out there by the building. Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council. No one did.

**6. GAS SYSTEM REPRESENTATIVE  
JOE JERKINS**

Mr. Kimbrough stated he attended the Gas Board meeting and they adopted the rate schedule for this applicable billing period.

**7. FINANCE DEPARTMENT  
VIRGINIA REAGAN, CHAIRPERSON  
Denise Soesbee, Director**

- A. Financial Report
- B. Resolution to Authorize the Lease for 2010 Ford Crown Vic Police Cars  
*Ms. Reagan moved to follow the recommendation of the Finance Committee to approve the attached Resolution and to authorize the Mayor to enter into a Lease Agreement to purchase three (3) 2010 Ford Crown Vic Police Cars. These cars will be purchased with 2011 SPLOST funds and charged to account number 325/3210 – 54.1200. Ms. Anderson asked if we are purchasing these cars or leasing these cars. Mayor Jerkins stated we are leasing and once we pay the lease the cars automatically go to the City. Seconded by Mr. Thomas. Motion passed (5-0).*

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

- A. No Report

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**9. POLICE DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON**

**Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Reception – Plaque and Pin Presentation – Timothy Koutlas – 15 Years  
Armando Cipriano – 5 Years
- D. Privilege License – Acapulquito Restaurant/Bar

*Ms. Reagan moved to follow the recommendation of the Police Committee to table this item until May 2, 2012. Seconded by Mr. Thomas. Motion passed (5-0).*

Ms. Causey asked Chief Starrett if he could give an update on outside storage on the tires. Chief Starlet stated we gave them thirty (30) more days from the 8<sup>th</sup> I believe so their time will be coming up. One of them has constructed a type of building and another is putting the tires under an existing building and the third person is removing all of them. Ms. Causey stated she had a gentlemen call her and ask where should the complaints be turned in. He said he had been over to City Hall and they told him not to turn them in there to turn them in at the Police Department and he tried but the door was locked and it was around lunch time. Chief Starrett stated the Administrative Department could have been at lunch but we never lock the front door. Ms. Reagan stated the front door is hard to open. Ms. Causey asked could we put a sign over there to direct them if we are going to turn the complaints in to the Police Dept. Chief Starrett stated we can put a sign to direct people.

**10. FIRE DEPARTMENT**

**SCOTT THOMAS, CHAIRPERSON**

**Tim Williams, Fire Chief**

- A. Fire Report
- B. Purchase of Copier – Information Only

Mr. Thomas stated recently, we replaced our network copier at Fire Station 2 due to normal wear and use. The Canon unit had served us well over the past nine years. We replaced the old unit with another refurbished Canon unit, an IR 3035. The new copier was purchased from our current service company, Douglasville Office Equipment, at a cost of \$2,395.00. The funding comes from the current Fire Department Budget line item 54.2500.

**11. PUBLIC WORKS DEPARTMENT**  
**KIRSTEN ANDERSON, CHAIRPERSON**  
**Randy Bowens, Director**

A. Purchase of New Holland WM45 Tractor and Bush Hog Attachment

Ms. Anderson stated the City of Austell currently owns a 2000 bush hog tractor that is in need of repair.

*Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the purchase of one New Holland WM45 tractor and bush hog attachment from Cobb County Tractor at cost of \$21,000.00 and to authorize the Mayor to execute corresponding documents.*

*The purchase of this tractor and bush hog attachment will be funded from the 2011 Special Purpose Local Option Sales. Because we receive approximately \$58,402.00 each month, this equipment will not be financed. We will directly pay Cobb County Tractor.*

*Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the purchase of one New Holland WM45 tractor and bush hog for cutting the right of ways of large areas. Seconded by Ms. Reagan. Motion passed (5-0).*

B. Purchase of Equipment through Special Purpose Local Option Sales Tax Funds  
Information Only

Ms. Anderson stated as part of the 2011 Special Purpose Local Sales Tax, included was the purchase of several pieces of maintenance equipment for the Street and Water Departments. Items include:

Streets

Grappler Truck  
Air Compressor  
Hot Water Pressure Washer

Water

Backhoe

The staff is currently gathering information and prices. Once compiled, this information will be brought back before the City Council for approval, along with the necessary financing information.

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**12. PARKS DEPARTMENT  
SCOTT THOMAS, CHAIRPERSON  
Jim Graham, Director**

- A. Community Development Block Grant (CDBG) Program Subrecipient Agreement  
Mr. Thomas stated at this time he would like to turn this over to Mr. Jim Graham. Mr. Graham stated the Parks Committee recommends approval of the above references Agreement for the 2012 CDBG funding.

The City of Austell was awarded \$32,000 for this year's project. That amount coupled with the \$7,649.00 left over from the 2011 funds means the City will have a total of \$39,649.33 to use for this year's project which will be the expansion and improvements of Collar Park's playground area. The volleyball court hasn't been used this year so we will take it down and put some equipment there. We will build a little covered pavilion for the parents to sit and watch their children and various other improvements.

*Mr. Thomas moved to follow the recommendation of the Parks Committee to approve the CDBG Program Subrecipient Agreement. Seconded by Ms. Anderson. Motion passed (5-0).*

Ms. Anderson stated she hated to see the volleyball court go because she went over there on occasion to play. Mr. Graham stated the kids are taking the sand and putting it into the sinks. Ms. Anderson stated well, we best get rid of it.

**13. COMMUNITY DEVELOPMENT DEPARTMENT  
SUZANNE THOMASON, CHAIRPERSON  
Jim Graham, Director**

- A. Annexation Application from Firdous Halwany for property located 131 Maxham Road

Ms. Thomason stated the Department of Community Affairs has received a request from Firdous Halwany to annex .55 acres of property located at 131 Maxham Road located in LL 202 and 257, district 18 of the 2<sup>nd</sup> section of Douglas County into the corporate boundaries of the City of Austell. At this time I would like to turn this over to Mr. Kimbrough for a Public Hearing.

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Mr. Kimbrough stated he would call for a Public Hearing and an Annexation described from Firdous Halwany to annex .55 acres of property located at 131 Maxham Road located in LL 202 and 257, district 18 of the 2<sup>nd</sup> section of Douglas County into the corporate boundaries of the City of Austell. Mr. Kimbrough asked who is present to speak on behalf of the applicant. Mr. Halwany came forth and introduced himself and Mr. Kimbrough swore in Mr. Halwany. Mr. Kimbrough asked if anyone signed in for the opposition. No one did. Mr. Kimbrough asked Mr. Halwany if he had anything to say to the Council. Mr. Halwany stated he would just like to come into the City because of Police protection. I am not complaining about Douglas County Police but the City of Austell Police is so much better. I am at the end of the line for Douglas County and when I call it takes them a long time to arrive. The main purpose I want in the City of Austell is to protect my store and its surroundings. Mr. Kimbrough asked if anyone had any questions for Mr. Halwany. Ms. Anderson asked Mr. Halwany if this was the service station on the corner of Old Alabama and Maxham Road? Mr. Halwany stated, yes it is and the nearest fire station is on Mulberry Street and this another reason I would like to annex. I didn't have any problem with the Douglas County Fire Department but the Police Department I do. If I am in the City of Austell they can get to me within minutes. I know I will pay more tax in the City but it will be worth it to me. Ms. Anderson asked Mayor Jerkins if this would benefit the City as far the taxes. Mayor Jerkins stated we don't charge any taxes in Douglas County and the reason for this is because of part of a SPLOST program and our percentage of that takes care of the taxes which are 1% sales tax and we get about \$40,000 to \$50,000 dollars out of Douglas County Sales Tax. We do not charge anyone in Douglas County any City tax. This would be better for us because we would make the call anyway to Douglas County. They work with us and we work with them in Fire and Police. The call would go into our 911 system and instead of going into Douglas County we would handle the call. Ms. Anderson stated it is a very busy place and anything to make it more secure will be good for everyone. Mr. Kimbrough asked if anyone had any more questions. No one did.

*Ms. Reagan moved to close the Public Hearing. Seconded by Ms. Causey. Motion passed (5-0).*

*Ms. Thomason moved to follow the recommendation of the Community Affairs Committee to approve the annexation of the property located at 131 Maxham Road located in LL 202 and 257, district 18 of the 2<sup>nd</sup> section of Douglas County into the corporate boundaries of the City of Austell. Seconded by Mr. Thomas. Motion passed (5-0).*

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**14. ATTORNEY – DUPREE & KIMBROUGH**

A. Sunday Alcohol Sales

Mr. Kimbrough stated this matter was voted on March 6, 2012 and the citizens of Austell approved the Sunday Alcohol Sales from 12:30 P.M. to 11:30 P.M. on Sunday. I have the Resolution adopting that and allowing for that to begin on April 8, 2012. This is for the Mayor to sign and we need a motion stating this.

Ms. Duncan, City Clerk asked Mr. Kimbrough do we need to incorporate a special fee for the Sunday Alcohol Sales if approved by Council now or at a later date. Mr. Kimbrough stated we can do that at a later date. Mayor Jerkins asked Ms. Duncan if she had the information on the special fees. Ms. Duncan stated yes, she did. The fee for beer is \$400.00 and the fee for wine is \$400.00 and Acworth charges these fees. Mayor Jerkins asked these fees are additional to the other fees. Ms. Duncan stated, yes, they are additional. Mr. Kimbrough asked so; the fees would be part of the license fees. Ms. Duncan stated, yes they would. I know Acworth is charging \$1100.00 for any liquor served on Sunday from 12:30 P.M. to 11:30 P.M. so these are pretty hefty fees. Mayor Jerkins stated it would be difficult for some of these establishments to make a living with the fees that high. Mayor Jerkins stated he would like to see them open on Sunday and let's wait till a later date to start charging the extra fees. Ms. Duncan stated she would notify all the establishments tomorrow and let them know when the date will be because they thought it would be on June 1, 2012.

*Mr. Thomas moved to follow the recommendation of Mr. Kimbrough to approve the Resolution for the Sunday Alcohol Sales to begin on April 8, 2012 from 12:30 P.M. to 11:30 P.M. Seconded by Ms. Anderson. Motion passed (5-0).*

A. Redistricting

Mr. Kimbrough stated the next thing on the agenda he had is the election wards for the redistricting for the City of Austell. I have the most recent release of the census and at this time will open the Public Hearing for the first reading of the Ordinance in order to amend and change the districts. We will have a Public Hearing tonight and another on May 7, 2012 to address this as a result of the most recent census of 2010. This is AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF AUSTELL, GEORGIA, PURSUANT TO THE AUTHORITY GRANTED AT OCGA SECTION 36-35- 4.1 IN ACCORDANCE WITH THE PROCEDURES SET FORTH AT O.C.G.A. SECTION 36-35-3(b)(1)



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AND SECTION 5.15 OF THE CHARTER FOR THE CITY OF AUSTELL, GEORGIA, TO REAPPORTION MUNICIPAL ELECTION WARDS BASED UPON 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; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

As you all know the Council Members met to discuss the reapportionment of the districts and did agree upon the map that everyone has a copy of. Does anyone have any questions regarding this process or the districts that were agreed upon when we met with Linda Meggars to assist with the reapportion of the districts? Having heard no questions and I don't believe I have anything else to add. This is an amendment of the charter and this is why it requires two readings and two Public Hearings. We will need a vote after we close the Public Hearing. We need to vote tonight and we will vote again the second reading.

*Ms. Causey moved to follow the recommendation from Mr. Kimbrough to close the Public Hearing. Seconded by Ms. Anderson. Motion passed (5-0).*

*Ms. Anderson moved to follow the recommendation from Mr. Kimbrough to approve the Ordinance as I just read reapportioning the Districts pursuant to the release of the decennial census. Seconded by Mr. Thomas. Motion passed (5-0)*

**15. MAYOR'S REPORT**

A. CMA MEETING	JUNE 12, 2012
TIME:	6:30 P.M.
LOCATION:	Hosted by Marietta @ Cobb Chamber

B. Rental on Smokehouse Property

Mayor Jerkins stated we talked about this at the pre-agenda meeting. They would like to put a day-care in the back and they will also have to put up a fence. It was also discussed to put a black fence. We will rent it for one-hundred and fifty dollars a month and it will be a three year contract on it. I just want to make sure everyone is o.k. with this before I leased it out. Ms. Anderson asked wasn't that property in such bad shape we were going to have to demo the property and how could be satisfactory for a day-care.

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Mayor Jerkins stated we have already torn that building down. Ms. Anderson stated so it is just the parking lot we are renting. Mayor Jerkins stated, yes, it is. Mayor Jerkins stated we have to get the concrete up because we haven't done that yet. They will have to come in with sand and put in playground equipment. They will also have to put up a nice fence. I will work with the lady on that. I will make sure we will get that in place so it will look real good. The Council doesn't have to vote on this but I wanted to make everyone o.k. with it.

**16. ADJOURN**

*Mr. Thomas moved to follow the recommendation from Mayor Jerkins to adjourn the meeting. Seconded by Ms. Causey. Motion passed (5-0).*