

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, AUGUST 5, 2013**

Present: Mayor Joe Jerkins
Kirsten Anderson
Trudie Causey
Virginia Reagan
Martin Standard
Suzanne Thomason

Absent: Scott Thomas

The regular meeting of the Mayor and the City Council was held on Monday, August 5, 2013 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; Denise Soesbee, Finance Director; Randy Bowens, Public Works Director; Jim Graham, Community Development Director; Tim Williams, Fire Chief and Bob Starrett, Police Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend David Pearce gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins asked the Council if they had any items to add to the Agenda. Ms. Thomason stated she would like to add 13B. – ADA Transition Plan and Mayor Jerkins stated since Mr. Thomas is not present I would like to add 12A. – Greater St. Paul A.M.E. Church use of Collar Park facilities. 12B. – Austell Business Association 7th Annual Concert and Road Show.

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to add items to the Agenda. Seconded by Ms. Reagan. Motion passed (5-0).

Mayor Jerkins presented Captain Robert Woodard with a Plaque and Pin for thirty (30) years of service. Mayor Jerkins thanked Captain Woodard for his service and dedication 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 650.00
- C. Approve Minutes of Regular Council Meeting July 1, 2013

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Ms. Anderson moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Reagan. 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. No one spoke.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mr. Kimbrough stated he attended the meeting and normal business was discussed and gas rate schedule was adopted and looking over the budget we are better this year than last year. There is a five million (5M) dollar swing that we are doing better this year than last year simply because of the cold winter. They are in very good position at the Gas System and doing a very good job.

7. FINANCE REPORT

VIRGINIA REAGAN, CHAIRPERSON

Denise Soesbee – Finance Director

- A. Financial Report
- B. 2012 – 2013 Budget Adjustments
- C. 2013 – 2014 Budget Adjustments

Ms. Reagan moved to follow the recommendation of the Finance Committee to approve the 2012 – 2013 Budget Amendments as presented. Seconded by Ms. Anderson. Motion passed (5-0).

Ms. Reagan moved to follow the recommendation of the Finance Committee to approve the 2013 – 2014 Budget Amendments as presented. Seconded by Ms. Anderson. Motion passed (5-0).

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

- A. Approve Contract for Cobb County to handle City elections for 2013
Ms. Anderson read the contract to Mayor and Council. (Please see attached contract).

Ms. Anderson moved to follow the recommendation of the General Administration Committee to approve the Contract for Cobb County to handle the City Elections. Seconded by Ms. Reagan. Motion passed (5-0).

Mr. Standard asked do we know if it will cost us more or less to have Cobb County or do we have a choice. Ms. Duncan stated at this point we don't. Mayor Jerkins stated they have given us a price and they are very reasonable compared to twelve or fourteen years ago. Ms. Duncan state it will be about the same cost as our cost with advertising because advertising has gotten really expensive and to pay the poll workers and everything sand it will be a little bit more but not a lot more. It's really probably the better way to go. Mr. Standard stated and also no headache.

- B. Designate Qualifying dates for November Election
Ms. Anderson stated as provided in O.C.G.A. § 21-2-132(d)(3) the 2013 qualifying period for Municipal candidates shall be conducted during the week of August 26th – August 30th. According to O.C.G.A. § 21-2-132(D), a notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period.

Cobb County Board of Elections requested the Mayor and Council designate Tuesday, August 27th through Thursday, August 29th from 8:30 A.M. to 4:30 P.M. with one hour for lunch from 12 Noon – 1:00 P.M.

Ms. Anderson moved to follow the recommendation of the General Administration Committee to approve the designated qualifying dates. Seconded by Ms. Reagan. Motion passed (5-0).

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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
Tim Williams, Fire Chief**

- A. Fire Report

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

- A. Intergovernmental Agreement for Resurfacing of Sweetwater Lane
Ms. Anderson stated the purpose is to approve an Intergovernmental Agreement between the City of Austell and the Cobb County Board of Commissioners for the Sweetwater Lane resurfacing project. Funding in the amount of \$19,442.06 will come from the Special Purpose Local Option Tax.

Ms. Anderson moved to follow the recommendation of the Public Works Committee for the City Council to approve an Intergovernmental Agreement between the City of Austell and the Cobb County Board of Commissioners for the Sweetwater Lane resurfacing project as presented. Seconded by Ms. Reagan. Motion passed (5-0).

- B. Streetlight on Rolly Street
Ms. Anderson stated a request has been received by Councilwoman Virginia Reagan for the installation of one street light on Rolly Street.

Ms. Anderson moved to follow the recommendation of the Public Works Committee to approve the installation of one street light and the cost will be \$13.65 monthly. Seconded by Ms. Thomason. Motion passed (5-0).

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

A. Greater St. Paul A.M.E. Church use of Collar Park Facilities

Mayor Jerkins stated the City of Austell Parks Committee recommends approval of the request from Greater Saint Paul A.M.E. Church located at 2990 Broad Street, Austell, Georgia to use Collar Park for a “Youth Explosion” event for the community. The event will be held on Saturday September 14, 2013.

Ms. Anderson moved to follow the recommendation of the Parks Committee to approve the request from Greater Saint Paul A.M.E. Church to use Collar Park for a “Youth Explosion” event for the community. The event will be held on September 14, 2013. Seconded by Ms. Causey. Motion passed (5-0).

B. Austell Business Association 7th Annual Concert and Road Show

Mayor Jerkins stated the Austell Business Association (ABA) will be hosting its annual concert and car show on Saturday September 7, 2013 at Harley-Davidson of Atlanta, Thornton Road. The ABA is asking the if the City, as an association sponsor, would consider lending the event 10 – 8 foot tables, 20 chairs and 3 tents.

Ms. Reagan moved to follow the recommendation to approve lending the event 10- 8 foot tables, 20 chairs and 3 tents for the event. Seconded by Ms. Anderson. Motion passed (5-0).

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

A. Annexation Request from Katherine Darlene Morris for property located at 10 Thompson Street.

Ms. Thomason stated the Department of Community Affairs has received a request from Katherine Darlene Morris to annex .257 acres of property located at 10 Thompson Street in LL 206, District 18 of the 2nd Section of Douglas County into the corporate boundaries of the City of Austell. 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 for Katherine Darlene Morris to annex certain property into the City of Austell. The property is located at 10 Thompson Street. Mr. Kimbrough asked who was present to speak on behalf of Ms. Morris. Ms. Morris stated her name and Mr. Kimbrough asked if anyone had signed up in opposition or to speak to the Mayor and Council. No one was in opposition. Mr. Kimbrough swore in Ms. Morris. Mr. Kimbrough asked Ms. Morris why she would like to come into the City of Austell.

Ms. Morris stated she felt like the property was such a small area and all the property around me is zoned commercial. Everyone has annexed into Austell. I have the services of Austell, power, gas, Police, Fire and all that so I just felt like I wanted to join Austell and making it legal.

Mr. Kimbrough asked if anyone had any questions of Ms. Morris. Ms. Thomason stated she had one concern. I rode over and looked at the property and what it looks like and I noticed you do not live there and that you live in Alabama. Are you going to cleanup around the property? Ms. Morris stated, yes, she was. Ms. Morris stated they have already cleaned up a lot around there. Ms. Thomason stated she was at the property yesterday. Ms. Morris stated they have already put up a fence but if there is anything out of order I will be glad to comply. They did tell me it was cleaned up. I just have arrived in town but it will be up to code. Ms. Causey asked if they could legally work on cars there. Mr. Kimbrough stated he did not know. Mr. Graham stated we will have to go through rezoning but we had to do the annexation first. We will have to rezone the property. Ms. Causey stated they won't be allowed to store vehicles that are junk. Mr. Graham stated we annex in tonight and we will have to go by our ordinance. Mr. Kimbrough asked if anyone had any more questions or concerns. Mr. Kimbrough asked Mr. Graham if the annexation was advertised. Mr. Graham stated, yes it was. Mr. Kimbrough asked so we received response from Douglas County and everything was o.k. Mr. Graham stated, yes it was. Mr. Kimbrough stated at this time I would like to close the Public Hearing for the annexation request from Ms. Katherine Darlene Morris for the property located at 10 Thompson Street.

Ms. Reagan moved to follow the recommendation of Mayor Jerkins to close the Public Hearing. Seconded by Ms. Anderson. Motion passed (5-0).

Ms. Thomason moved to follow the recommendation of the Community Affairs to approve the annexation request from Ms. Katherine Darlene Morris for property located at 10 Thompson Street. Seconded by Ms. Reagan. Motion passed (5-0).

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B. ADA Transition Plan (VOTE TO ADD)

Ms. Thomason stated the Community Affairs Committee recommends the adoption of the ADA Transition Plan attached as Exhibit "A" by Mayor Jerkins and Council. Ms. Thomason asked Mr. Graham to explain the ADA Transition Plan.

Mr. Graham stated basically this is the Transitional Plan to comply with the American Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1973 as amended and to comply with the State of Georgia. We did receive an extension to get this done and we just finished it on Friday. Title II of the ADA requires nondiscrimination on the basis of disability, in state and local government services. These "public entities" – including departments and agencies are required to comply with the ADA.

Ms. Thomason moved to follow the recommendation of the Community Affairs Committee to approve and adopt the ADA Transition Plan. Seconded by Ms. Reagan. Motion passed (5-0).

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

Ms. Causey stated she had a question. She asked Mr. Kimbrough if he had worked on the outstanding taxes. Mr. Kimbrough stated he had not received a list of the properties from the Finance Committee. Ms. Causey asked Ms. Soesbee how long does this take it has been two months. Ms. Soesbee stated she just had to get the information together and she would have it by Friday, August 9, 2013. Ms. Causey stated it's almost time for tax notices to go out again and with five hundred people owing back taxes that is kind of bad. Mayor Jerkins stated some of it is not property taxes and we will not be able to collect this so we just about can kiss this goodbye. This is where they have moved off and you can collect the property taxes but not the ones that are listed as personal property tax and you will lose a lot or a big portion of it.

15. MAYOR'S REPORT

A. CMA MEETING
TIME:
LOCATION:

NO MEETING

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Mayor Jerkins stated he had one other thing to discuss. The building with the plywood on it, Chief Starrett has spoken with the man and I asked Chief Starrett to ask him if we could take the plywood off and line it with two by fours and put some good plywood up and reset in there like glass. It would cost us about three hundred dollars. We would take one of our carpenters to do it and then put the plywood on it and paint it a decent color. He said he wanted to be here when we fix it so if you are o.k. with this it should make it look a lot better. It will not cost a lot of money and we can take one of our employees who is a carpenter to do it. I can go with them and show them what to do. Ms. Causey asked if we would put a lien on his property. Mayor Jerkins stated yes, we probably can but you have to renew it every year and that will cost more than three hundred dollars to do that. This is the quickest and the easiest thing to do. Ms. Causey stated it is an eyesore. Mayor Jerkins stated it will look a lot better and he is not going to do anything with it because he doesn't have the money. He owes like a hundred and ninety something dollars on it and it is worth about fifteen thousand. Mr. Standard asked if he had given any indication when he would be here or will it be four years from now. Mayor Jerkins stated he told Chief Starrett it would be the end of August. Ms. Reagan stated she thought it was a very good idea. Mayor Jerkins stated he thought it would definitely look better. Ms. Causey stated she had received a lot of complaints. Also, I think the wood will look better instead of glass because you can't see in there. Mayor Jerkins stated I think if it is painted it will look better. Mayor Jerkins asked if anyone else had any questions or concerns.

Ms. Causey stated she had a concern about Code Enforcement. Ms. Causey stated I have heard that Mr. Appleby is retiring and Mr. Starrett would not be back. We need an update from you. Chief Starrett stated we have hired George Bach who started today. We have also hired David Camp who retired from the Douglasville Police Department. Ms. Causey asked when we will get to meet them. Mayor Jerkins stated George Bach worked for us in the Fire Department. Chief Starrett stated he would be working with George and David all week and showing them what to do. Chief Starrett asked Ms. Causey to call him and she could come and meet them. Ms. Causey asked what their hours will be. Chief Starrett stated George will be working on Mondays and Fridays right now and David Camp will work Tuesdays, Wednesdays and Thursdays and this may change later. Ms. Causey asked if they are working a half of a day. Chief Starrett stated yes, because of the budget and we are looking at twenty-one to thirty hours a week. Ms. Causey asked will the hours be from 8 A.M. to 1:00 P.M. Chief Starrett stated it could vary at some point.

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Mr. Standard stated kind of in that ballpark the park where the flag is going to be it is starting to get tent city over there with the selling of produce. I thought we initially had that setup for Saturdays only to pull your truck up there and sell some things you had. It's kind of turning into a retail store over there now. Is this in our guidelines? Mr. Graham stated he had spoken with the guy and he is going to be moving. I am trying to work something out for him to move to another lot. At that time we will take down the sign that says Farmer's Market. Since the park will be there we will not allow people to sell anything. I am in the process of getting him moved. Ms. Causey asked do you have any idea where he will move. Mr. Graham stated he will be next to Charlie James. Mayor Jerkins asked is he going to be on the vacant lot or at the carwash. Mr. Graham stated he will be at the vacant lot. The person that owns the vacant lot is willing to lease it to him. We are talking to him about building a permanent building and we are asking for your leniency on it because I personally feel like it is good for Austell to keep him in the City. If we let him stay he will be selling produce in the summer and pumpkins in the fall and Christmas trees at Christmas. Instead of a car lot I had rather see him down there. I have been working with him and let him get a business license and be legal and then we will work on his building and I have even designed him a building to show him how much it will cost. I would like to keep him downtown if at all possible. He brings in a lot of business. Ms. Causey stated yes, he does. Mr. Standard stated as long as he doesn't build a wood shanty like he did by South Cobb High School. Mr. Graham stated he cannot do that here so that is why I am trying to help him. It might be just a frame building but we may require some kind of texture on the front like stone or something like that. This is my plan to keep him in Austell because he does bring in the business. Also, it would make it easier for the Police Department because if they see anyone at the park they would know they are not supposed to be there selling anything. Mr. Standard asked if he was a citizen of Austell. Mr. Graham stated he lives in Mableton, I think and he and Sammy are going into this together. Ms. Reagan stated Sammy is a resident in Austell. Mr. Graham stated, yes Sammy is a resident of Austell and he is going in with him on that lot. Mr. Standard asked will they be the only two on the lot. Mr. Graham stated yes. Ms. Causey asked are they actually buying that lot. Mr. Graham stated, yes they are going to try to buy it. This is why I have been working with him and he doesn't have a lot of money but I figured if we give him a period of time and making sure he is keeping everything neat and I sure had rather see a produce stand instead of another car lot. I think it would be an asset to Austell. Mayor Jerkins states he doesn't leave anything down there at night he gets everything up and this is one good thing. Mr. Standard stated as long as we don't have another Fabou across the road.

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Mr. Graham stated, no it will not look like that as long as it is neat looking. I haven't brought it to the Council attention because I have been trying to find a legal way to do this. Mr. Standard asked if he would have to get a Special Land Use Permit for that. Mr. Graham stated, yes, eventually yes. Mr. Standard stated we could revoke that if there are any discrepancies. Mr. Graham stated yes we could.

Ms. Thomason stated since our committee meeting concerning Fabou and the outside places for all the businesses did anything ever come of that. Mr. Graham stated he thought he had cleaned up although I haven't looked but I have been told. Mr. Standard stated the back of the building is clean. Ms. Thomason stated she had not been by there to look. Mr. Graham stated I haven't been by to look but I think he has complied.

16. ADJOURN

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Reagan. Motion passed (5-0).