

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 3, 2012**

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

The regular meeting of the Mayor and the City Council was held on Monday, December 3, 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; Denise Soesbee, Finance Director; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Pastor Doc Frady 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. Mayor Jerkins stated he would like to add 15B. – New Church for Christmas Gift – Holy Trinity Anglican Church.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to add item 15B. to the Agenda. Seconded by Ms. Reagan. 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 \$750.45
- C. Approve Minutes of Regular Council Meeting November 5, 2012

Ms. Anderson moved to follow the recommendation of Mayor Jerkins 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 the Mayor and Council. Mr. Larry Robert stated his name and stated he was the liaison and Claims Agent for Veteran's Information Reference Office affiliated with Vitas Healthcare of Georgia on Love Street. Mr. Robert stated the new office will open on January 15, 2013 and it will be Veteran's Information Reference Office. The office will be open every Tuesday from 1:00 to 3:00 P.M. The Open house will be from 11:00 A.M. – 1:00 P.M. and this will be the Veterans Bureau Community Office Information Center for Veterans. We are hoping to offer a lot more than the other bureaus and this will be Austell's first bureau. The name will be Austell Veteran Information Referral Office at the Vitas Hospice Community Resource Center. We expect there will be press there as well as our members from our corporate office in Florida. Mayor Jerkins asked if this was for veterans patients. Mr. Robert explained this will be a facility for the new veterans to get information regarding veteran's benefits for support. The Veterans Information referral offices are now located at Post 29, Acworth Ga., and in Jasper, Ga. The main office is in Decatur, GA. What the VA is trying to do is have little outlets where people can actually go to and a lot more convenient. When they apply for the veterans benefits we will be able to fax the application and expedite quickly. We have been working with the VA for training so that people do not have to go all the way downtown to Atlanta. We are very excited about bringing this great opportunity to Austell. Mayor Jerkins thanked Mr. Robert and stated this will be a great benefit for the veterans. Mr. Robert stated he would like to have the Mayor and Council attend the Open House on January 15, 2013.

Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council. Ms. Mary Woody stated her name and stated she had lived in Austell for fifteen years and now I live four miles from the city of Austell. I still consider Austell as my home. I am still part owner in some property here in Austell. I have Austell Gas and I do all my shopping here in Austell. All my business is done in the City of Austell. Mayor, I have spoken with you on a few occasions particularly back in 2009 when the flood hit in Holly Hills Lake. You were very helpful to the community at that time in getting us all the resources we needed. My concern is Holly Hills is going downhill. We need some assistance with some enforcement.

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There are some things going on for example. On Flint hill Road there is a sign that says no big trucks allowed on Flint hill Road. One of your Officers has been out there several times on this same lady regarding this eighteen wheeler that she drives in this community. One of the things I am asking if you can help us by putting a sign up if possible near the front entrance. Mayor Jerkins asked if she parked the tractor trailer in the yard. Ms. Woody stated, yes she does. Chief Starrett stated she has been cited for it but has not come to court yet. Ms. Woody stated even though we have told her and she has been cited several times she still ignores it. I am hoping if there is a sign that is visible right there then they would see that sign and know they can't park just anything off the street. This is one thing I am asking if you would consider. Mayor Jerkins stated Mr. Bowens could probably get something done about the problem. Ms. Woody stated the other problem I have there are still quite a few abandoned buildings there and I have no idea what the owners intentions are and if they are going to tear those buildings down or what. They are just sitting there growing up and they are an eyesore. There is an issue with pests, such as mosquitoes and something needs to happen with those homes. Mayor Jerkins stated Mr. Bowens has worked on that a lot. The Federal government would not buy them out unless all of them agreed and they had to qualify. Some of them would not agree to it and when they are attached to another building this presents a problem for them. Some lady owns one and is trying to buy another one. Mr. Bowens stated the problem we have is a lot of times the tenants or the owner of the property and by it being joined to another unit and the Federal government will not buy that unit and it has to qualify and be substantially damaged. If they meet that criterion then they have to have everyone's consent that is in that building. If it has two tenants in there then both the tenants have to agree to participate in the program. This seems to be a problem with multi-family units a lot of the time. Because immediately after the flood some of the families might start to rebuild and some do not. One of the units I checked on in the cul-de-sac that has the four units has changed hands several times. At this point and time no work has been done on it. I think it is about to go into foreclosure. With that being said, we have to wait till that foreclosure process expires and revert back to the mortgage company or the bank in order to contact them because currently they will not give us any information at all. We are still actively perusing all the units there.

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Ms. Woody stated I know one of them that had the blue tarp on it the tarp just blew all over the place and we had to clean it up. It's things like that, which have occurred. The last thing I would like to say about Holly Hills Lake and I know this has to go through Code Enforcement. I know Mr. Woody Starrett because we go way back and he has been very helpful to me over the years and getting a lot done at Holly Hills Lake. We have a problem with dogs. This one owner has about five dogs and these dogs are not on a leash. The dogs run the neighborhood and poop all in the yards and it is a major problem. Mayor Jerkins stated on that particular thing the City of Austell has turned that over to Animal Control of Cobb County. Ms. Causey asked if the limit was three dogs. Mayor Jerkins stated it was four he thought was the rule. Chief Starrett stated when we adopted Cobb County's Ordinance we did away with the City's ordinance. Mr. Standard asked well, doesn't Cobb County have a limit. Chief Starrett stated they may have but I really don't know. Ms. Causey asked Ms. Woody if she was still having problems with the trash cans. Ms. Woody stated this seems to be better. There is still a problem with a lot of clutter in some of the yards there. It's not that you want to tell people what to do with their own property but you expect people to keep things in a decent order so it will not be a nuisance. There is no reason for people to keep wheel barrows in their front yard. Driveways are meant for cars to park on not to use as a storage area. This is one of the problems too. If you ride through the neighborhood I wouldn't even have to tell you which one it is. Ms. Causey stated she had been through there. I noticed and I guess the part that is to be green space is this area where children are supposed to play or what. I noticed a lot of cars parked in that area. Ms. Woody stated yes, they do park there and this is part of the problem. They use that for a parking space and they use their driveway for a party place. It is a nuisance when they do this. Mayor Jerkins asked if they have a Homeowners Association Committee. Ms. Woody stated, no they did not. Chief Starrett stated they did have one. Ms. Woody state, yes, but it is not active. Chief Starrett stated we cannot force homeowner's ordinances by parking there its private. We have a hard time with enforcing it. We will make an attempt but when it gets right down to it we can't have any action. Ms. Woody stated the Homeowner's Association fizzled out some years ago recently it has been reactivated.

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That particularly piece of property is owned by someone way out in Texas. People do whatever they want to as far as the parking. Mr. Standard stated the property is in the County not in the City? Chief Starrett stated to it is in the City but it's the property that is not a public area and if we don't have a complaint from the owner there is no reason for us to take action on it. We will ask them but I don't know what we can do. Ms. Causey stated even though they are not parked on a harden surface. Chief Starrett stated we can't remove it and I think it's hardened where she is talking about. Ms. Causey stated, no this is green space. Mr. Kimbrough, City Attorney stated the property is owned by an individual and that individual would have to be the one that complains to allow the City to remove the vehicles from the property. If someone is not using their driveway and parking on the street then the City could take action and correct that. But if they park on other private property it has to be the owner of that property. Chief Starrett stated we will contact them and try to get them to comply. What Code Enforcement does they may not be able to charge someone legally with something and most of the time they will work with us to make things better. Ms. Woody stated we certainly appreciate the enforcement of whatever can be enforced. Chief Starrett stated we were by there last week about the trash cans. A lot of the residents got real upset with us about putting their trash cans behind the houses. The yards are very small so they were going to keep them behind the houses but the code is to keep them on the side of the house. Ms. Woody stated it does look so much better since you made them move the cans to the side. Ms. Woody stated if we could get that other unit cleaned up with the wheel barrows and all that it would really help a lot. Chief Starrett stated we have trouble catching someone there. We have left notes on the door. Ms. Woody stated she could get the actual owner's information. Chief Starrett thanked Ms. Woody and told her that would be great. Mr. Standard stated we do have an ordinance about storage from the front of the home to the road and you are not allowed to do that it has to be behind the house. If someone has something on their driveway or yard for weeks on end you cannot do that.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated the meeting was changed to this Wednesday due to the death of Skeet Collins. I will have a full report at our next meeting.

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

- A. Financial Report

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

- A. 2013 Directory & Calendar

**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 the Christmas Package to Include:

Bids for Christmas Meals:

- Pasta Bella.....\$1,400.00
- Sweet Things.....\$1,600.00
- Superior Catering.....\$1,434.00

Desserts:

- Gretchen's Amazing Cakes.....\$ 150.00

Employee Gift Program.....\$2,000.00

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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%

- Ninety seven (97) employees at 100% (\$150.00) = \$14,550.00
- Two (2) employees at 50% (\$75.00)

TOTAL PACKAGE PRICE.....\$18,284.00

With council approval, the total amount of the proposal will be \$18,284.00, using the bid from Superior Catering 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 to approve the Christmas Package. Seconded by Ms. Anderson. Motion passed (6-0).

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

A. No Report

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

A. Veterans Memorial Park Project Phase I

Mr. Thomas stated the City of Austell Parks Committee recommends approval of the Veterans Memorial Park Project – Phase I. The project will be located on Veterans Memorial Highway inside the park and ride property. The projected cost will be \$33,000 and will include the following:

- Purchase and Installation of 80' flagpole with a 20' X 30' American Flag.
- Circular brick paver area surrounding the base of the flagpole.

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- Installation of approximately 100' of 6' retaining wall.
- Installation of sprinkler system and landscaping.

Funding will come from the Austell Area Community Improvement Fund, with approval from the AACIC Board.

The project will be to honor veterans who served from all branches of military service.

Mr. Thomas moved to follow the recommendation of the Austell Parks Committee to approve the Veterans Memorial Park Project – Phrase I. Seconded by Ms. Reagan. No vote was taken.

Mayor Jerkins asked if there are any questions or further discussion. Mr. Standard stated he had a question. Again, this is being paid for by the A.A.C.I.C. funds. I have asked for an itemized deduction fund to see how much money we have spent this year. Unless there are other formulas of how that money gets distributed according to the charter we have limits on how much money we can spend in that fund. I haven't seen a listing of itemized items on how much money we have spent this year. We have given \$67,000 to the churches and the schools. I suggest we postpone this until the January meeting to give us time to look at that fund to make sure we are within our guidelines and not over spending from that fund. First I would like to say I have nothing against building a park for veterans, I love the idea and I think we should have done this a long time ago and put more into it and it didn't happen. But, we do have guidelines for this fund and I just haven't seen that we are doing it yet. Mayor Jerkins stated the money will be spent next year and it has nothing to do with this year. Mr. Standard stated next year is based on the previous twelve months. Mayor Jerkins stated this year is based on the twelve months before and this is a start of a new year. Mr. Standard asked how much did the fund net profit this last twelve months. Mayor Jerkins stated that doesn't matter, it says proceeding the past twelve months. The twelve months before that and the twelve months before that and I will give you an example, when we built the Fire Station it cost a half of a million dollars to build. We had to let the money build up before we could get enough money. When we got enough money we spent it in that one year but we let the funds build up first.

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We have taken in a little over two million dollars and there is four hundred and something thousand which is double according to what needs to be in there and this according to when we first started. We got five million and four hundred and something thousand and we only need five million and two hundred and something thousand. We have plenty of money there to spend. Ms. Causey asked if the money could be spent in one year. Mayor Jerkins stated you can go back like I said, in twelve months we spent a half of a million dollars. Actually, less than twelve months on the Fire Station building it. But, we had to let the funds build up before we could do that, so we went back each year and used the funds just like we can do now. This should answer your question. Mr. Standard stated it kind of does but it is kind of vague. Mayor Jerkins stated well, you want to make an issue out of it and you don't know what you are talking about. Mr. Standard stated that is why I would like to see it. Mayor Jerkins stated the motion has been made and it has been seconded. Mr. Standard stated he would like to table this item until the January meeting. Mayor Jerkins stated we already have a motion made and seconded. If there are no further questions or discussion we may take a vote now.

Mr. Thomas moved to follow the recommendation of the Austell Parks Committee to approve the Veterans Memorial Park Project – Phrase I. Seconded by Ms. Reagan. Vote tied (3-3) Mayor Jerkins voted in the affirmative. Motion passed (4-3).

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

A. No Report

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

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15. MAYOR'S REPORT

A. CMA MEETING

TIME:

LOCATION:

DECEMBER 11, 2012 – “Holiday Dinner”

6:00 P.M.

Hosted by Acworth

Held @ Fish Thyme

3979 S. Main Street, Suite 100

Acworth, GA 30101

B. Add New Church for Austell Christmas Gift – Holy Trinity Anglican Church

Mayor Jerkins stated the reason for this extra church there are two that operate out of one church. I knew this last year but I forgot about it. One has a service on Saturday and the other has their service on Sunday. They are a part of the Presbyterian Church. We will give them \$1500.00 just like the other churches received. The funds will come from the A.A.C.I.C. funds.

Ms. Reagan moved to follow the recommendation of Mayor Jerkins to approve the addition of the church Holy Trinity Anglican Church. Seconded by Ms. Anderson. Motion passed (6-0).

16. ADJOURN

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