

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
DECEMBER 5, 2011**

Present: Mayor Joe Jerkins
Kirsten Anderson
Randy Green
Virginia Reagan
Martin Standard
Scott Thomas

Absent: Trudie Causey

The regular meeting of the Mayor and the City Council was held on Monday, December 5, 2011 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; 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. Reverend Doc Frady 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. Mr. Kimbrough stated he would like to add 14B.- Resolution for Swofford Property. Mayor Jerkins stated he would like to add 15C.- Swofford Property Purchased by Cobb County.

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

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 \$1,100.00
- C. Approve Minutes of Regular Council Meeting November 7, 2011

Mayor Jerkins asked if anyone had any questions on the above. Ms. Reagan stated she had a question on the legal bill. Under the Girls Club there is an Attorney's work on there. Mayor Jerkins explained actually what this was is a piece of property that is inside the City in front of Garrett school that they owned. We had to work on that some and it is not ours but I think the County owns it. Mr. Kimbrough stated he wasn't sure if the County had ownership or not but there are some potential purchasers of that property that had some questions about the zoning. It used to be a County owned property when it came into the City and there were some zoning issues and questions they had. Mayor Jerkins stated at one time the County owned it and then gave it to the Girls Club. We were not sure it was in the City.

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Ms. Ann Turner stated her name and stated where she lives at 5415 Austell-Powder Springs Road, the lady with the orange mailbox. I have a question. At Legion Park between the gazebo and the playground it looks an Alice in Wonderland very large toad stool and two smaller toad stools. They have been there possibly a month now. Are they going to be installed anytime soon or will they be heisted and lost. They are concrete and they are not going anywhere by themselves. Mr. Graham assured Ms. Turner they would not be stolen. Mr. Graham stated we are waiting for one more appointment to show us how they will be installed. Ms. Turner stated she knew they had been there for awhile and she knew it would take three healthy boys to move them. Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council.

Mr. John Bailey stated his name and stated he was the Pastor of the Gospel Nation Christian Fellowship. I just wanted to tell you how much we appreciate you allowing us to utilize the facilities this past October 31st. We had an event there and we just wanted to stop by to tell you how grateful we are for allowing it to happen. Also, in hopes to become closer friends and get more things accomplished in the community in the future. We would like to thank you very much on behalf of our church and our congregation. Mr. Green stated hopefully you will need the facility next year as well. Mr. Bailey stated yes it is on the calendar.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated we have a Resolution to do tonight. Mr. Kimbrough stated first of all the meeting was last Thursday and the normal issues were taken care of as far as the gas rate schedule. Again, I think the 22nd month in a row the Austell Gas System was the lowest gas rate schedule in the State of Georgia. They continue to do a good job.

Mr. Kimbrough stated we have an Ordinance proposed to amend the Charter, Section 2.41 of the Charter which provides for the payment of City franchise fees from the Gas System to the City of Austell. The proposed Ordinance will amend Section 2.41 for the Charter for the City of Austell, State of Georgia to increase the percentage of gross revenue that the Austell Gas Board pays to the City. It provides for the increase of the percentage of gross income with a cap of 10%. The other Ordinance that goes along with this Ordinance will not be addressed until January. This Ordinance amending the Charter has to be voted on and approved twice at this meeting as well as the January meeting.

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We discussed this last week and we just need a motion to adopt this Ordinance amending Section 2.41 Charter for the City of Austell to increase the percentage of the gross revenue for the Austell Gas Board to pay to the City of Austell.

Mr. Thomas moved to follow the approval to adopt the Ordinance for the Amendment of Section 2.41 of the Charter for the City of Austell, State of Georgia; increasing the percentage of gross revenues that the Austell Gas Board shall pay to the City of Austell. Seconded by Ms. Reagan. Motion passed (5-0).

Mayor Jerkins stated Austell Gas System is number twelve in Municipalities in the United States so we are a pretty big gas system. The increase will be voted on again in January. The increase is going to be from 7% to 9% over a period of three years. One percent (1%) the first year and ½% the next year and another ½% the next and part of the reason for that is when we did away with the propane tanks and it costs a lot of money to operate them and use them. So last year our sales normally run about sixty-five million dollars a year and we sold forty-nine million last year. So, it is off about sixteen million dollars in sales. It helped the community here, but all of it wasn't from propane gas but it had a big affect on it. By raising this percentage will help make up some of the loss the City lost which was about a million dollars because the gas prices were lower and this is part of the reason for it. Also, to help bring the revenue back to the City and as Mr. Kimbrough stated we are the cheapest and have been for twenty-two months. This will affect the gas system very little in the increase anyway. If you had a hundred dollar gas bill it would be a dollar so this is the difference.

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

- A. Financial Report
- B. Establish Budgets For Public Assistance Grant Fund and A.A.C.I.C. Fund

Ms. Reagan stated the following budgets for the Public Assistance Grant Fund and AACIC fund. These budgets will be for 2011 and FY 2012.

See Attached:

For any questions, please contact either Mayor Jerkins or Denise Soesbee.

Ms. Reagan moved to follow the recommendation of the Finance Committee to approve the Established Budget for Public Assistance Grant Fund and A.A.C.I.C. Fund. Seconded by Mr. Thomas. Motion passed (5-0).

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

A. 2012 Calendar & 2012 Directory

Ms. Anderson moved to follow the recommendation to approve the 2012 Calendar and the 2012 Directory. Seconded by Mr. Thomas. Motion passed (5-0).

B. Ratify Election Results

Ms. Anderson stated the following are the consolidated municipal returns for the General Election held in the City of Austell on Tuesday, November 8, 2011.

For Mayor	Joe Jerkins (Unopposed)	392
Ward 2	Scott Thomas (Unopposed)	20
At Large Post 2	Randy Green (Incumbent)	250
At Large Post 2	Suzanne Thomason	252
Ward 4	Virginia Reagan (Incumbent)	94
Ward 4	Lance Lamberton	90

Ms. Anderson moved to follow the recommendation of the General Administration Department to ratify these returns which were certified on November 15, 2011. Seconded by Mr. Thomas. Motion passed (5-0).

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

A. Police Report

B. Code Enforcement Report

C. Wrecker Service Fees

Ms. Reagan moved to follow the recommendation of the Police Committee to table the Wrecker service Fees until February 6, 2012 Council meeting. Chief Starrett has spoken with the Purchasing Supervisor for Cobb County and was informed that the Cobb County Wrecker Service Fee Schedule would be rebid in January 2012. This is the reason we would like to table the item. Seconded by Mr. Thomas. Motion passed (5-0).

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**10. FIRE DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Tim Williams, Director**

A. Fire Report

B. Employee Christmas Package

Mr. Thomas stated the following are the Christmas bids for the Christmas Meals:

Bids for Christmas Meals:

- Pasta Bella (Recommended).....\$1,554.00
- Montgomery Foods.....\$1,880.00
- Superior Catering.....\$1,588.00

Desserts:

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

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

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%

- Ninety five (95) employees at 100% (\$150.00) = \$14,250.00
- Possible Addition of Two (2) employees at 50% (\$75.00) \$ 150.00

TOTAL PACKAGE PRICE.....\$18,104.00

With Council approval, the total amount of the proposal will be \$18,104.00, using the recommended bid for our Christmas meal. The funds will come from the current budget 100/1110, line item 52.3900.

Mr. Thomas stated we have chosen Pasta Bella which is the lowest bid for the Christmas meal.

Mr. Thomas moved to follow the recommendation of the Fire Committee to approve Pasta Bella for the Christmas meal. Seconded by Ms. Reagan. Motion passed (5-0).

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C. Purchase of New Fire Engine

Mr. Thomas stated The City of Austell Fire Department has requested and received proposals from three fire apparatus vendors for a new custom Fire Engine. The approval of the Special Local Option Sales Tax (SPLOST) in Cobb County, has earmarked \$450,000 specifically allocated for this fire apparatus purchase. Included is a four (4) year lease/purchase proposal from Republic First National. The first payment to Republic First National from the City of Austell will be made upon delivery of the Fire Engine in the final quarter of 2012. The proposals are as follows:

- **Pierce Fire Apparatus/ Ten-8 Fire Equipment**
Custom Pierce/Velocity Pumper W/DD13 450 hp Detroit Diesel Engine / Allison 4000 EVS Transmission

TOTAL.....\$391,560.00
- **KME Fire Apparatus**
Custom KME Predator Pumper W/MaxxForce 470 hp International Diesel Engine/Allison 4000 EVS Transmission

TOTAL.....\$393,697.00
- **Sutphen Corporation**
Custom Sutphen / Monarch Pumper W / ISX 450 hp Cummins Diesel Engine / Allison 4000 EVS Transmission

TOTAL.....\$434,032.00

Mr. Thomas moved to follow the recommendation of the Fire Department to purchase from Pierce Fire Apparatus/ Ten-8 Fire Equipment. The proposal includes a one year chassis warranty. The engine, transmission, and fire pump each come with a five year warranty. The remaining portion of the SPLOST funding will purchase all required equipment for the Fire Engine. This will include Breathing Apparatus (SCBA), fire hose, nozzles, ladders, generator, a thermal imaging camera, 800 MHz radio, as this funding will allow. Seconded by Ms. Reagan. Motion passed (5-0).

**11. PUBLIC WORKS DEPARTMENT
MARTIN STANDARD, CHAIRPERSON
Randy Bowens, Director**

A. No Report

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

- A. No Report

**13. COMMUNITY DEVELOPMENT DEPARTMENT
TRUDIE CAUSEY, CHAIRPERSON
Jim Graham, Director**

- A. No Report

14. ATTORNEY – DUPREE & KIMBROUGH

- A. Sunday Alcohol Sales Referendum

Mr. Kimbrough stated he had two items to address tonight. The first is the Sunday Alcohol Sales Referendum. As everyone is aware the Georgia Legislation passed a law allowing Municipalities and Counties to vote on the sale of malt beverages, wine and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m. This would be done by election and by the citizens of each city and county. The City of Austell will put it on the calendar for March 6, 2012 Presidential Primary Election which is when the county is addressing the Sunday Alcohol Sales issue and several other cities and counties as well. We need a motion to allow this to happen. There is also a contract to be signed with the county and the issue to be voted on.

Mr. Thomas moved to follow the recommendation of Mr. Kimbrough to approve the Sunday Alcohol Sales Referendum. Seconded by Ms. Reagan. Motion passed (5-0).

- B. Resolution for Swafford Property

Mr. Kimbrough stated the second issue we have to discuss tonight is the piece of property that adjoins Legion Park. It is the Swafford property owned by the Swafford trust and currently owned by the Trust in the County. We have reached an agreement with the Bank of America who holds the first priority deed for secured debt on that property. We have reached an agreement which Leo Clifton has been working on and this would be to purchase that property for the sum of fifteen hundred dollars (\$1,500.00) and would add to the size of Legion Park and the services that could be offered there. We need a motion to give the Mayor permission to sign the necessary documents to allow for the purchase of this piece of property.

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Mr. Green moved to follow the recommendation of Mr. Kimbrough to give Mayor Jerkins permission to sign the necessary documents for the purchase of the Swafford property next to Legion Park. Seconded by Ms. Reagan. Motion passed (5-0).

Mr. Standard asked if this was the house in the back. Mayor Jerkins stated no, he would discuss this in just a few moments but this is the commercial piece of property in the front.

15. MAYOR'S REPORT

A. CMA MEETING

December 13, 2011

TIME:

LOCATION:

HOLIDAY DINNER

RECEPTION 6:00 P.M.

DINNER 6:30 P.M.

HOSTED BY KENNESAW

PINETREE COUNTRY CLUB

B. A.A.C.I.C. Recommendation

Mayor Jerkins stated we had a meeting on November 14, 2011 and they approved for nineteen (19) churches to receive fifteen hundred dollars (\$1500.00) each which is twenty-eight thousand five hundred dollars (\$28,500.00). Five schools to get three thousand dollars (\$3,000.00) each and each one will give ten families three hundred for each one which makes it fifty families and that is fifteen thousand dollars (\$15,000.00). Also, approved was another five thousand (\$5,000.00) for the Council and the Board Members on the A.A.C.I.C. committee. The total amount was forty-eight thousand five hundred dollars (\$48,500.00). This will come from the railroad interest money and we need a motion to approve this.

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to approve the allocated funds from the A.A.C.I.C. Seconded by Ms. Reagan. Motion passed (5-0).

C. Swafford Property Purchased by Cobb County

Mayor Jerkins stated this is the house the County has already purchased that joins the park. Back several months ago I had to ask the County to sell it to us for what they had in it. I spoke with David Hankerson the other day and he said they couldn't charge us for it. Basically, they could deed it to us for a dollar. He also said if we would like to donate to their funds for what they have in it they would certainly appreciate it. They are getting the deeds ready for us and when we had the A.A.C.I.C. meeting I spoke with them about it and they stated they approved. The total cost of what they have in it would be \$23,235.62. The committee is o.k. with it but we need a motion to approve this and the money will come out of the A.A.C.I.C. to purchase the house next to the park.

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Mr. Standard asked Mayor Jerkins you said they could give us a deed for a dollar but could not take any money. Mayor Jerkins stated we can donate the money to the County but they are not allowed to sell the property to us because it was purchased through the government. There is an acre or so with the property and it will really help us on the park. Mr. Standard asked so we will close in all that property once we have it. Mayor Jerkins stated he had spoken with Leo Clifton today about the commercial property that was voted on and it will probably be March or April before we get it closed out because we are dealing with California banks. It is Bank of America and it has been back and forth and back and forth with them. We are getting closer to it each day and this will take care of the house which the County will deed it to us.

Mr. Green moved to follow the commendation to approve the purchase of the Swafford property. Seconded by Ms. Anderson. Motion passed (5-0).

Mayor Jerkins stated the house at Edith Street down on the right. I had talked to the Council before about someone wanting to give it to the City of Austell. Mr. Green stated is it the triplex. Mayor Jerkins stated, yes. The owner lives in California and Leo Clifton closed it out today and it is ours and we have twelve hundred and twenty four dollars (\$1224.00) in it. This is what Leo has charged us and the owner has donated the house. I signed the documents today and this has been taken care of. I think Chief Williams had mentioned maybe they could burn it. This is another piece of property that joins some of the other we are buying down there and it will be a good piece property down there. So we have that part closed out. Mr. Green asked about the duplex in the circle on the back. Mayor Jerkins stated Mr. Bowens would have to comment on that because there is something there that is not in the buyout. Mr. Bowens stated we have torn down one and the other duplex is pending. Mr. Green asked Mr. Bowens if they would purchase it because I know it was rental property. Mr. Bowens stated if we come in under budget this will be one we will purchase. Mr. Green asked about other property (not audible). Mayor Jerkins stated it could not be bought out because it did not qualify. We will work on it but we haven't done anything about that one yet. Mayor Jerkins stated the one we just bought it did not qualify. Mr. Standard asked will we be tearing that one down. Mayor Jerkins stated, yes, we will. Mayor Jerkins stated if Chief Williams can arrange to train burn it whatever is left we will bulldoze it and put it into the dumpster. Mr. Green asked about Mr. Terrell's house. Mayor Jerkins stated he didn't know about that one because it is part of the historical homes. They have already come and looked at it but we don't know when it will be.

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There is one next to Bo Traylor that is historical as well. We have two that is historical and we are just waiting until we get the o.k. It will probably be a few months or it could be a year. Mr. Green stated he knew no one would buy it if they know the historical value. Mayor Jerkins stated they have been out to look at it and decided they don't want to take the house and move it. Once they give us the o.k. we can tear it down. Mayor Jerkins stated the next item we have is the Smoke House. We have started working on that and what we need to do is get some of the metal out of it and get you to give us the o.k. to go ahead and tear it down and get the dumpsters to haul it off. Mayor Jerkins asked Mr. Bowens if this was what he had in mind. Mr. Bowens stated, yes, it was. Mr. Standard asked the entire building? Mayor Jerkins stated, yes we will take it all down but I need you to approve it.

Mr. Standard moved to follow the recommendation of Mayor Jerkins to approve the demolition of the Smoke House property to tear it down and throw the remains in the dumpster. Seconded by Mr. Thomas. Motion passed (5-0).

Mayor Jerkins presented Mr. Randy Green a plaque for his twelve years of service on the Council. Mayor Jerkins asked Ms. Duncan if she had spoken with Judge Darden about the swearing in ceremony. Ms. Duncan stated Judge Darden is supposed to call her back to determine the date and time. Mayor Jerkins stated he thought the swearing in should be before the first of the year and this is my opinion. Mr. Green asked if it could be done at pre-agenda. Mayor Jerkins stated they will both be the same night so this is why we need to do it before. Mayor Jerkins asked if anyone had anything else to discuss.

Ms. Reagan stated back in October we received an official complaint from Mr. Moe Moazeni accusing Mr. Standard of trespassing and harassing his family and being on his property. I know there are two sides to every story and we just wanted to get your side Mr. Standard.

Mr. Standard stated my side is he has me confused with someone else because I have never been on his property. I can't remember writing this property up with the County as far as Code violation if I did it was years ago. I think he has some bad information from somebody. I think he is just confused and that is my side. Ms. Reagan stated she just wanted to bring it out and find out what was going on. Mr. Green asked Mr. Standard if was planning on suing Mr. Moazeni because he accused you of this.

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Mr. Standard stated, no, people do make mistakes. I understood Mr. Moazeni had some video so if he decides to sue me he can bring that video and we will see who it really is because it is not me. Ms. Reagan stated it seems there is a lot of confusion about what our role is as Council Members. The first class I took at the newly elected officers training it distinguished what our role is as a Council Member and that is to establish policies and enact the laws of the City of Austell and let the Directors operate their own departments. We need to stay separated from that because I know there is a lot going on where some of the Council Members are going to the Director's employees and they should go to the Director. Mr. Standard stated once you become a Councilman it doesn't mean you are still not a citizen of the City. Ms. Reagan stated, yes, you are still a citizen. Mr. Standard stated he believed that particular property is in the County. Ms. Reagan stated this was another thing I wanted to bring up. Mr. Green stated it was brought to me by this man Mr. Moazeni and actually it was told he has a video I haven't seen. To my understanding Cobb County Code Enforcement told him who it was. Ms. Reagan stated they identified you, Mr. Standard, on the tape. (A verbal exchange between Mr. Standard and Mr. Green regarding the complaint, however due to background noise it was impossible to hear the comments that were made.) ...Mr. Green said he just wants to be left alone. Mr. Standard responded ...he needs to find out who is bothering him.

16. ADJOURN

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Mr. Green. Motion passed (5-0).