

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015**

Present: Mayor Joe Jerkins
Kirsten Anderson
Ollie Clemons
Randy Green
Scott Thomas
Suzanne Thomason

The regular meeting of the Mayor and Council was held on Monday, December 7, 2015, 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; Pat Maxwell, Fire Chief; and Bob Starrett, Police Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order and Pastor Doc Frady gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins asked if anyone would like to add items to the Agenda. No one did.

Mayor Jerkins presented Firefighter Matt Cabrera a Plaque and a Pin for his fifteen years of service. Mayor Jerkins thanked Mr. Cabrera for his dedicated service and all his hard work. Mayor Jerkins presented Firefighter/EMT Kenneth Strong a Plaque and Pin for his ten years of service. Mayor Jerkins thanked Mr. Strong for all his hard work and efforts to the City of Austell. Mayor Jerkins presented Melissa Crenshaw with a Plaque and a Pin for her ten years of service. Mayor Jerkins stated Missy has been with the City for ten years and she has a tough job as well. She has to deal with the front desk and the customers get angry with her because their water will be cut off. She has to listen to all that from the customers. She has done a fantastic job the last ten years and we really appreciate all you do.

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 \$2,295.00
- C. Approve Minutes of Regular Council Meeting November 2, 2015

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

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015
PAGE 2**

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 her name and stated she lived at 5415 Austell-Powder Springs Road otherwise known as the lady with the orange mailbox. Ms. Turner stated she had two minor things to discuss. I thought the tree lighting on Friday night when very well. I am wondering in another year if it might be possible to move the tree lighting itself to an earlier time like from seven to six o'clock. By the time the tree was lit and everybody came in all the food was gone. Either maybe just shut the doors and let no one in there until the tree is lit up or move the lighting. Someone said maybe more food. Ms. Turner stated no more food. Try dealing with little ones on sugar highs that come in and out. It wasn't so bad this year, but last year one kid who had not left the table too many times came through the line about the third time and I said I think you have had enough to eat. He did leave and he didn't come back. The other thing is also very small. The streets are dark and it does get dark early. Austell doesn't have as many as the stupid concrete barriers in the middle of the road to separate the different lines of traffic like Austell Road does. But, the curbing and would it be possible to work something out in the budget to paint the vertical sides of the curbing white so they would reflect the light at night. Example, you are headed to Austell Road from Windy Hill Road at night and there is this beautiful concrete thing in the middle of the road but you can't see because the street lights are gray and the street lights are over here. The oncoming cars have the lights mostly in your eyes and you can't adjust the headlights. I have come very close to hitting that thing in the middle of the road that concrete curbing. Is there a way the vertical side of the curbing could be painted so they can be seen or do I need to go to the County? I do not have problem going to the County. Is this something we can look at and the City painting the curbings and maybe the trucks will not go over them so often at the railroad tracks. I realize they can't help sometimes because the back axle slides and all that stuff. Is this something that I can address in the City or is it something the County should handle in Marietta. Mayor Jerkins asked what road you referring to. Ms. Turner stated we don't have that much problem here in Austell, but say you are turning out of Burger King on to VMH and you are turning right and you have the curbing there. It is very hard to see sometime especially at night because they just disappear. Mayor Jerkins stated it might be difficult to put a reflection on them. Mr. Bowens stated anything on the right of ways we will have to check with the State D.O.T. Mr. Bowens stated anything with high volume traffic and major thoroughfares such as Veterans Memorial Highway, Austell Road that would be County. Mr. Bowens stated we don't have any major roads like that in the City and the visibility is pretty good. Mr. Bowens stated, again, anything with the major thoroughfares would be the County. Ms. Turner stated she would go to the County.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015
PAGE 3**

Ms. Anderson asked if there was some kind of product we could use on the curbsings. Mr. Bowens stated there is a reflective paint that has granules in the paint and would reflect headlights. I can certainly check into it and let you know. Ms. Anderson thanked Mr. Bowens. Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council.

Mr. Lance Lamberton stated his name and stated he lived at 3704 Tate Place in Austell. Just a couple of things for your consideration, I don't know if the City has ever reviewed its Charter. Like a Charter review committee established. I have experience in this when I lived in Louisville, Texas. We appointed Council Members and also citizens from the community to review their City Charter and come up with some recommendations. I don't know if it is necessary in this case, but I do know it has been done before. It would be a good idea to get a new set of eyes on the City Charter. Also, to get more citizens involved in the community it would be a good way to do that. Although we talk the talk it is a good way to walk the walk. The way we did in Louisville once the recommendations have been made we called a meeting with the committee which was established by the City Council and to provide input. This is just a suggestion to you and I would also like very much to put the Charter online because good government is transparent government. The year is 2015 and it is time for us to make it accessible to the public. Finally, I wanted to say goodbye to Suzanne Thomason and thank her for her years of service she has put in. I also wanted to say something positive as well. The City does a great job with the Christmas lights every year and I really appreciate a good job they do.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting. The usual was discussed about the gas rate schedule this upcoming billing period. The gas rates are staying pretty flat across the nation right now. The gas usage is also pretty flat. The month of October was a little bit better than last year. But, November with the real warm temperatures we had right there at the end we actually sold about half as much. It was a little more than half as much as we did last year. You need to do some cold dances for the month of December. From what everyone is saying it is still supposed to be a very cold winter. We are off to a slow start for the winter so far.

**7. FINANCE DEPARTMENT
JOE JERKINS – CO- CHAIRMAN
Denise Soesbee, Finance Director**

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015
PAGE 4**

- A. Financial Report
- B. 10 Year Plaque & Pin – Melissa Crenshaw

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

- A. Election Certification
Ms. Anderson stated Mayor and Council are required to ratify the results of the City Elections. Ratifying 2015 Election Results for: Mayor, At-Large Post 2, Ward 2 and Ward 4. As you know, Cobb County's Board of Elections is handling elections for the City of Austell. A copy of the official record of votes cast in the November 3, 2015 is attached for your approval.

Ms. Anderson moved to follow the recommendation to approve the Election Certification. Seconded by Mr. Thomas. Motion passed (5-0).

- B. 2016 Calendar & Directory
Ms. Anderson stated the next thing we have is the 2016 Calendar and Directory. You have a copy of both the 2016 Calendar and Directory.

Ms. Anderson moved to follow the recommendation to approve the 2016 Calendar and Directory. Seconded by Mr. Clemons. Motion passed (4-1 Abstained.) Motion passed (4-1).

Ms. Duncan, City Clerk stated even though we have approved the 2016 Calendar and Directory if you see any errors please let us know and we will correct whatever is needed.

**9. POLICE DEPARTMENT
MAYOR JERKINS – CO – CHAIRMAN
Bob Starrett – Police Chief**

- A. Police Report
- B. Code Enforcement Report

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015
PAGE 5**

10. FIRE DEPARTMENT

**RANDY GREEN, CHAIRPERSON
Pat Maxwell, Fire Chief**

- A. Fire Report
- B. Years of Service Awards – Matt Cabrera - 15 Years of Service
Kenneth Strong – 10 Years of Service

11. PUBLIC WORKS DEPARTMENT

**KIRSTEN ANDERSON, CHAIRPERSON
Randy Bowens, Director**

- A. Residential Recycling Services Rate Adjustment

Ms. Anderson stated this is to authorize a rate increase beginning January 1, 2016 and ending December 31, 2016. ON June 1, 1995, the City of Austell and Republic Services (formerly known as BFI) entered into a recycling service contract under which Republic Services has been providing curbside collection of recyclable materials. The recycling contract was amended on September 1, 1998; December 31, 2010; and January 1, 2013. There was not a rate increase under the current solid waste contract (July 21, 2014).

Per our current contract, Section 5 (Compensation), 5.1 (Rates) the monthly fee will increase from \$3.09 to \$3.14 per month.

Ms. Anderson moved to follow the commendation of the Public Works Committee to approve the residential recycling services rate from \$3.09 to \$3.14. Seconded by Mr. Thomas. Motion passed (5-0).

12. PARKS DEPARTMENT

**SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director**

- A. No Report

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015
PAGE 6**

**13. COMMUNITY DEVELOPMENT
OLLIE CLEMONS, CHAIRPERSON
Jim Graham, Director**

A. Planning and Zoning and Variance Board Appointments

Mr. Clemons stated the Community Affairs Committee recommends approval of the following Board appointments:

<u>Board</u>	<u>Ward</u>	<u>Term</u>	<u>Expiration Date</u>
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Planning & Zoning

Robert McField	2	2 Year	May 31, 2017
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Variance & Zoning Appeals

Nancy Green	4	2 Year	May 31, 2017
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Mr. Clemons moved to follow the recommendation of the Community Affairs Committee to approve the Board Appointments. Seconded by Ms. Anderson. Motion passed (5-0).

14. ATTORNEY, DUPREE & KIMBROUGH

A. Norfolk-Southern Stormwater Agreement

Mr. Kimbrough stated this is an issue we discussed in Executive Session last week. Mr. Kimbrough stated he would like to explain the Agreement. Basically, all of the properties here in the City of Austell are to pay a certain amount for the stormwater runoff just like the residents pay for their homes.

The Norfolk-Southern facility maintains all of its stormwater runoff in its facility and its runoff ponds and overflow ponds. The idea behind the stormwater runoff if any of the runoff enters into the Cities locations then we have the ability to charge for that. None of the runoff at the Norfolk-Southern facility flows into the City system. Therefore, Norfolk-Southern appealed the imposition of these fees. The Mayor has worked out an agreement with the gentlemen at Norfolk-Southern. The agreement is the City would receive a hundred and ten thousand dollars (\$110,000.00) in a couple of months.

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, DECEMBER 7, 2015
PAGE 7**

Also, following that we would receive in ten (10) payments of twenty-five thousand (\$25,000.00) annually beginning next year. This was a great job by the Mayor to negotiate with Norfolk-Southern and to be able to get that amount of money.

Mayor Jerkins stated Norfolk-Southern doesn't want this tied to the Stormwater because they feel like they don't owe for the stormwater. They want to donate the twenty-five thousand (\$25,000.00) per year for ten years to the City General Fund not for Stormwater. The One-hundred and ten thousand (\$110,000.00) is from the past three years. Norfolk-Southern is willing to give this money to keep from going to court.

Mr. Green moved to follow the recommendation from Mr. Kimbrough to give the Mayor permission to sign the agreement with Norfolk-Southern. Seconded by Mr. Thomas. Motion passed (5-0).

15. MAYOR'S REPORT

A. CMA MEETING	HOLIDAY DINNER – DECEMBER 8, 2015
TIME:	6:30 P.M.
LOCATION:	HOSTED BY CITY MARIETTA THE EARL SMITH STRAND THEATER 117 N. PARK SQUARE N.E. MARIETTA, GA 30060

Mayor Jerkins asked if anyone had any questions or concerns. Mr. Thomas asked when the swearing in would be for the new Council Members. Ms. Duncan, City Clerk stated the swearing in will be on December 10, 2015 at 5:45 P.M. at the Threadmill.

16. ADJOURN

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