

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, JANUARY 9, 2012**

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

Absent: Bob Starrett

The regular meeting of the Mayor and the City Council was held on Monday, January 9, 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; 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. Mayor Jerkins recognized and welcomed Suzanne Thomason as the new Council Member. Pastor Bob Neal 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. No one did. Mayor Jerkins stated at the Pre-Agenda meeting Kirby McSwain was presented with his 30 year service plaque and pin. He came to work for us when he was eighteen and has worked for the City of Austell for thirty years.

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 \$1,862.50
- C. Approve Minutes of Regular Council Meeting December 5, 2011

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Causey. Motion passed (6-0).

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.

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**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

A. Ordinance Amending Charter

Mr. Kimbrough stated, as you recall back in December we addressed the issue of Amending the Charter to provide for increased franchise fee or increased percentage the Gas Company will pay to the City based upon the gross revenue. In order to amend the Charter, we had to do two readings of the Ordinance. The first one took place at the December Council Meeting and the vote was taken and approved. We need to do another vote on that Ordinance which would amend the Charter. Then the second thing is the Amendment to the Bond Ordinance. That would allow for the increase in the rate schedule percentage of gross revenue that the Gas System pays to the City as the franchise fee. The first matter under 6 A. is the Ordinance amending Section 2.41 of the Charter for the City of Austell, State of Georgia increasing the percentage of the gross revenue that the Austell Gas Board shall pay to the City of Austell pursuant to and accordance with an Ordinance adopted on May 12, 1986. As amended and supplemented on May 2, 1988, June 4, 1990, June 1, 1992, February 6, 1995, June 5, 1995, June 14, 1995, June 14, 2000, February 2, 2004 and September 11, 2006; and for certain other related purposes. Mr. Kimbrough stated we need a motion to approve this Ordinance amending Section 2.41 of the Charter providing for those purposes.

Ms. Reagan moved to follow the recommendation of Mr. Kimbrough to approve the Ordinance Amending the Charter. Seconded by Ms. Anderson. Motion passed (6-0).

B. Amendment to Bond Ordinance

Mr. Kimbrough stated the second item I have is the other Ordinance that amends the Bond Ordinance for all the above dates I just read. Allowing for the increase of percentage of gross revenue the Gas System will pay to the City. Also, what has to be done is the Bond Attorneys will have to go to the holders of the bonds. In this case, the majority or all of the bonds are held by one entity and they need to get approval of fifty-five percent of the bond holders in order for this to be ratified and completely go through. This Ordinance under B, the Amendment to the Bond Ordinance, will become exhibit A to the Ordinance we just passed. This is for the Amendment of the Bond Ordinance increasing the percentage of the gross revenues at the Austell Gas Board shall pay to the City pursuant to and in Accordance with an Ordinance Adopted on May 12, 1986, as amended and supplemented on May 2, 1988, June 4, 1990, June 1, 1992, February 6, 1995,

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June 5, 1995, June 14, 1995, June 14, 2000, February 2, 2004, and September 11, 2006; and for certain other related purposes. Mr. Kimbrough stated we need a motion to approve and adopt this Ordinance increasing this percentage of the gross revenues the Gas Board shall pay to the City and hereby amending the original Bond Ordinance.

Mr. Thomas moved to follow the recommendation of Mr. Kimbrough to approve and adopt the Amendment to Bond Ordinance. Seconded by Ms. Reagan. Motion passed (6-0).

Mr. Kimbrough stated that the proper advertising was done for Item A. The Ordinance Amending the Charter, with the Marietta Daily Journal and we will attach the affidavit publication to the original Ordinance.

**7. FINANCE DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Carolyn Duncan, Director**

- A. Financial Report
- B. 2011 Audit Report

Ms. Reagan stated Mr. Doug Moses with Mauldin & Jenkins gave an overview of the 2011 Comprehensive Annual Financial Report at the pre-agenda meeting. (Please see attached.)

**8. GENERAL ADMINISTRATION
KIRSTEN ANDERSON, CHAIRPERSON**

- A. Adoption Agreement for Retirement Benefit

Ms. Anderson stated the City of Austell has previously adopted the Georgia Municipal Employees Benefit System Master Defined Benefit Plan (“DB” Master Plan”) and Adoption Agreement. GMEBS has recently restated the DB Master Plan and Adoption Agreement, and they have been approved by the Internal Revenue Service (“IRS”). An employer who participates in GMEBS in order to provide retirement benefits for its employees has the assurance that GMEBS is maintaining a tax-qualified benefit program that allows employees to accrue benefits tax-free until retirement benefits are distributed to them.

The memorandum sent to the City basically states that we are continuing with the plan that has been in place since 2005.

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Ms. Anderson moved to follow the recommendation of General Administration to adopt the Master Defined Benefit Plan as stipulated in the documents. Seconded by Ms. Reagan. Motion passed (6-0).

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

- A. Police Report
- B. Code Enforcement Report
- C. Privilege License for 2012

Ms. Reagan stated attached is the list of Privilege License Renewals for 2012. At the time this material was submitted, all applications for the year 2012 had not been received by the City Clerk's office. The Police Committee requests Council to approve this list pending the completion of each application for the businesses.

PRIVILEGE LICENSE RENEWALS FOR 2012

BEER, WINE and LIQUOR

Package Retail

Malt Beverage Only

1. Texaco – 2671 Jefferson Street

Package Retail

Malt Beverages and Wine

1. Stop Buy Food Mart – 2954 Bankhead Highway
2. Austell Food Store – 5565 Austell Powder Springs Road
3. Austell Beer and Wine – 3034 Bankhead Highway
4. Z's Quick Mart – 4805 Austell-Powder Springs Road

Package Retail Liquor

1. Sewani Brothers & Co. D/B/A Joe's Bottle Shop – 3034 VMH
2. Al's Package Store/NANA'S Liquor – 5770 Harris Street

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**Consumption on Premises
Malt Beer and Wine**

1. Seung H. Lee D/B/A Café Hot Wings – 1951 Veterans Memorial Highway Suite 201

**Consumption on Premises
Malt Beverages, Wine and Liquor**

1. Sweetwater BBQ, Inc. – 2471 Veterans Memorial Hwy.
2. El Acapulquito – 1936 Veterans Memorial Hwy.
3. Margarita's Mexican Cantina – 2856 Veterans Memorial Hwy.

Title Pawn

1. Austell Title Pawn – 5355 Austell Road
2. Austell Gold and Pawn – 6205 Veterans Memorial Hwy.

Towing Services

1. Henson's Wrecker Service – 1975 Veterans Memorial Hwy.
2. Willie's Wrecker Service – 1930 Royal Ind. Blvd.
3. Dixie Wrecker Service - 7220 Old Beulah Road, Lithia Springs, GA
4. Massey Wrecker Service – 3795 Kings Hwy., Douglasville, GA

Bail Bonding Companies

1. Lee Quick Bail – 5946 Broad Street, Douglasville, GA
2. A-24 Bonding Company – 2238 Austell Road, Marietta, GA

Game Rooms

(None)

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Privilege Licenses for 2012 pending the completion of each application for the businesses and the listing to be made part of the minutes. Seconded by Mr. Thomas. Motion passed (6-0).

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D. Purchase of Patrol Vehicles

Ms. Reagan moved to follow the recommendation to table this item until the February meeting. Seconded by Mr. Thomas. Motion passed (6-0).

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

A. Fire Report

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

A. No Report

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

A. No Report

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

A. Approval of Transportation Enhancement (TE) Project Administration Assistance Service

Ms. Thomason stated the Community Affairs Committee recommends approval of the Proposal of Project Assistance and Administration Services for the (TE) Mast Arms and Streetscape work.

Ms. Thomason moved to follow the recommendation of the Community Affairs Committee to approve the Transportation Enhancement (TE) Project Administration Assistance Service. Seconded by Mr. Thomas. Motion passed (6-0).

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14. ATTORNEY – DUPREE & KIMBROUGH

- A. No Report

15. MAYOR’S REPORT

- | | |
|----------------|--------------------------|
| A. CMA MEETING | JANUARY 10, 2012 |
| TIME: | 6:30 P.M. |
| LOCATION: | COBB CHAMBER OF COMMERCE |

- B. A.A.C.I.C. Approval of Land Acquisition
 Mayor Jerkins stated this is the property down at Legion Park. The County bought the house and as I said before they are going to give it to us but they have requested we pay some donation money toward some of the studies they had done on Sweetwater Creek. The amount is twenty-four thousand sixty dollars (\$24,060.00) and it has been approved by the A.A.C.I.C. Committee. We need a motion to approve the Land Acquisition.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the A.A.C.I.C. Approval of the Land Acquisition. Seconded by Ms. Reagan. Motion passed (6-0).

- C. A.A.C.I.C. Approval of School Funding Requests
 Mayor Jerkins stated Garrett Middle School has their fortieth anniversary coming up and they had asked if we could help. The Austell Primary School needs seven hundred dollars (\$700.00) to have some work done inside the school and they could not get from the school system. The A.A.C.I.C. has already approved this and now we need a motion to approve from the Council.

Mr. Thomas moved to follow the recommendation to approve the A.A.C.I.C. for the School Funding Request. Seconded by Ms. Reagan. Motion passed (6-0).

16. ADJOURN

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