

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, February 1, 2010**

Present: Mayor Joe Jerkins
Trudie Causey
Randy Green
Virginia Reagan
Scott Thomas

Absent: Martin Standard

The regular meeting of the Mayor and Austell City Council was held on Monday, February 1, 2010 at 7:00 P.M. at the 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; Denise Soesbee, Finance Director; Tim Williams, Fire Chief.

1. CALL TO ORDER

- A. Invocation – Reverend David O’Dell – Austell First Baptist Church
- B. Pledge of Allegiance
- C. Add items to Agenda
- D. Reception – 6:30 – 15 Year Pin and Plaque – Chief Bob Starrett

Mayor Jerkins called the meeting to order. Mayor Jerkins stated that Reverend David O’Dell was scheduled to give the Invocation, but in his absence asked Scott Kimbrough to give the Invocation. Mayor Jerkins led the Pledge of Allegiance. He then asked if any Council Member would like to add items to the Agenda. Mayor Jerkins asked to add Item 15-B Changing Banks. Mr. Thomas moved to add Item 15-B to the Agenda and the motion was seconded by Ms. Reagan. *The motion passed 5-0.*

2. CONSENT AGENDA – INFORMATION AND UPDATE

(No Action Required by Council – See Specific Department Director before the Meeting.)

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$1,137.50
- C. Approve Minutes of Regular Council Meeting January 4, 2010

Mayor Jerkins asked if there were any questions regarding the Consent Agenda. Hearing none, he asked for a motion to approve. *Mr. Green moved to approve the Consent Agenda and Mr. Thomas seconded the motion. The motion passed 5-0.*

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Mayor Jerkins stated that he needed to back up on the Agenda because he neglected to recognize Chief Starrett for his 15 years of service as Chief of Police for the City of Austell. He asked Chief Starrett to come forward. Mayor Jerkins stated that when Chief Starrett was hired by Mayor and Council, Tim Williams was the acting Police Chief. He said we didn't have many officers at that time and Cobb County was helping us out. He said Chief Starrett came from Douglas County where he was trained very well. He's done a great job and has worked hard. I'm proud to have him here in the City. Mayor Jerkins read the plaque aloud, thanking him for a job well done and gave him the pin. Chief Starrett thanked the Mayor and Council for the opportunity to serve for 15 years.

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

No one requested to speak to the Mayor and Council.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins asked Mr. Kimbrough to report on the Gas System Board Meeting. Mr. Kimbrough stated no meeting was held in December, so the Board went over the gas rate schedules for both December and January. He stated that January 8th, the ice day, was the single largest consumption of gas in the system's history and they are anticipating that January 2010 will be the largest month in the system's history due to the extreme cold weather.

7. FINANCE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON

Denise Soesbee, Director

A. Financial Report

8. GENERAL ADMINISTRATION

KIRSTEN ANDERSON, CHAIRPERSON

Carolyn Duncan, Director

A. Recommended Changes to Business License

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Ms. Anderson stated that according to O.C.G.A. Sec. 50-36-1 et seq., applicants for a Business License must state that they are either a United States citizen or legal permanent resident, 18 years of age or older, or a qualified alien, or non-immigrant under the Federal Immigration and Nationality Act , 18 years of age or older and lawfully present in the United States. Under advice of Counsel, we need to change our Business License application to reflect this information. In order to do this, it is necessary to change our Code of Ordinances. Notice has been put in the Marietta Daily Journal regarding the change.

The General Administration Committee recommends that we change our application accordingly. *Ms. Anderson moved to follow the recommendation. Ms Reagan seconded the motion. The motion was passed 5-0.*

9. POLICE DEPARTMENT

**VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report
- C. Reception - 6:30 PM – 15 year Pin & Plaque – Chief Bob Starrett

Ms. Reagan stated that the Police Report and the Code Enforcement Report and the Reception are all that we have on the Agenda tonight.

10. FIRE DEPARTMENT

**SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief**

- A. Fire Report
- B. Unsafe Abatement Update
- C. Fire Station 2 – Water Damage Expense: Information Only

Mr. Thomas stated that if there are no questions regarding the Fire Report, he would turn the meeting over to Chief Williams for the Unsafe Abatement Update.

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Chief Williams noted that Mr. Braswell was in the audience. His property is located at 5575 Old Marietta Road. Chief Williams told Mr. Braswell that after looking at his property, the property is no longer considered unsafe; however, there are still some issues that need to be addressed. Mr. Braswell stated that he came to the meeting to apologize for not being at the December meeting and acknowledged that he is still working on his property.

Chief Williams said that he had spoken with Mr. Bo Traylor earlier in the day regarding his property at 2442 Brooks Drive. Mr. Traylor has reached an agreement with FEMA regarding the purchase of this property. The Chief also spoke with Duane who said the final paperwork is being processed and that Mr. Traylor will notify us as soon as everything is complete. This means the property will probably be demolished. Chief Williams asked if the City would do the demolition. Mayor Jerkins stated it is his understanding that Mr. Traylor will be responsible, but there is a percentage the City will have to pay, probably 15%. Mr. Bowens stated that government funding may be available for demolition which would reimburse the City.

The next property to be addressed was Mr. Mark Perry's property located at 576 Mulberry Street. This property is not due to come back to the Council until the May 3, 2010 meeting. At that time Mr. Perry will report on the status of bringing his property into complete code compliance.

The next property, located at 6064 Pine Street, is owned by Ms. Linda White Williams. Ms. Williams contacted Chief Williams last Wednesday regarding her property and he advised her that she had missed the meeting in January. During that conversation she stated that she believed her property should be demolished; however in a conversation with him today she stated she would like an additional 60 days to complete some of the work that had been begun last year. Chief Williams told her the property would have to come into complete code compliance and read her the portion of last month's minutes that pertained to her property referencing the Council's decision to condemn her property. He told her that he didn't know if anything could be done because of the previous decision to condemn and proceed through the Austell Municipal Court.

Mayor Jerkins stated that unless the Council voted to reverse their decision to condemn and then vote to allow the request nothing could be done. It will take two separate votes to give Ms. Williams an additional 60 days. Mr. Thomas said he believed Ms. Williams had spoken with Kirsten Anderson today and that Ms. Williams asked Ms. Anderson to speak on her behalf at the meeting tonight. Ms. Anderson stated that was the case and that Ms. Williams is unable to be at the meeting this evening because she had to work. She asked Ms. Anderson to explain

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the main reason the renovation has not been completed is because the damage to the back structure was more extensive than originally believed, and a new needs to be put on. She has now requested a 60 day extension to remove the mold and replace the roof.

Mr. Thomas moved to rescind the previous motion to condemn. Ms. Anderson seconded the motion which passed 5-0. Mr. Thomas then moved to extend Ms. Williams 60 days to bring the house up to code. Ms. Anderson seconded the motion which passed 5-0.

Mr. Thomas asked if there was any change to the property located on Lakeview Court and Chief Williams stated that there was no further action on that property.

Mr. Thomas said that there had been some damage to Fire Station #2 on January 9th due to the extreme cold, and asked Chief Williams to report on the situation. Chief Williams stated that the damage occurred when a sprinkler supply line burst in two separate areas at the Fire Station, the Chief's office and the Captain's office across the hall on the second floor. The water also went into the dayroom and the equipment room. Fire personnel were away from the station at the time, but the daughter of a firefighter happened to be in the station and alerted them to the problem. The fire personnel returned immediately and began the cleanup. Although some records and books were lost, the computer equipment seems to be working. It was necessary to call ServPro to assist in the cleanup efforts which was completed within five days.

Chief Williams said the total cost for all services provided by ServPro is \$3,379.76 and that amount of money is in the Fire budget. Mayor Jerkins stated it was not necessary for the Council to vote on the item since the amount is already in the budget.

Mayor Jerkins stated that the next item on the Agenda is Public Works, Martin Standard Chairman. Since Mr. Standard was absent, Mayor Jerkins presented the material

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

A. E-Mail Subscription Service

This service will allow citizens and others who are interested to receive periodic City news, events and urgent communications directly to their e-mail at no charge. Mayor Jerkins stated

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that this had been discussed at the Pre-Agenda Meeting on January 25, 2010. *Mr. Thomas moved to approve the proposal and the motion was seconded by Mr. Green and assed 5-0.*

B. Soil Erosion, Sedimentation and Pollution Control Ordinance Amendments

Mayor Jerkins said that since we do our own permitting for building, the State wants us to adjust our Ordinances to bring them in line with those of the State. *Ms. Reagan moved to adopt the 2009 amendments of the Georgia Erosion and Sedimentation Control Act into our Ordinances. The motion was seconded by Mr. Thomas and the motion passed 5-0.*

12. PARKS DEPARTMENT

RANDY GREEN, CHAIRPERSON
Jim Graham, Director

A. No Report

13. COMMUNITY DEVELOPMENT DEPARTMENT

TRUDIE CAUSEY, CHAIRPERSON
Jim Graham, Director

A. Rezoning and Special Land Use Permit request from Willie's Wrecker Service, Inc. to rezone the property located at 1934 Veterans Memorial Hwy from GC to LI.

Ms. Causey said the Department of Community Affairs received a request from Willie Polston of Willie's Wrecker Service, Inc. for rezoning from GC to LI and a Special Land Use Permit on property located at 1934 Veterans Memorial Hwy. She turned the meeting over to Mr. Kimbrough to conduct a Public Hearing on the request.

Mr. Kimbrough called for a Public Hearing on the request for rezoning from GC to LI and a Special Land Use Permit for Willie's Wrecker Service on property located at 1934 Veterans Memorial Highway. The rezoning with Special Land Use Permit will allow Mr. Polston to operate a wrecker service with an impound lot on the above mentioned property. He asked who would speak on behalf of the City of Austell. Mr. Willie Polston stated that he would

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represent himself and Jim Graham spoke for the City. Mr. Polston and Mr. Graham were sworn in to give their statements. Mr. Polston said that he would like to rezone and put his operation under one roof and clean up that part of the City down there. He referenced a folder he gave to the Mayor and Council showing aerial photographs of the property. He said he wanted to get the car lot up front and the wrecker service in the back.

Mayor Jerkins asked if there would be lights on the car lot up front. Mr. Polston said yes. Mayor Jerkins said that he had no problem with this and commended Mr. Polston for his efforts to clean the house on Bankhead. Mr. Kimbrough stated that 1934 Veterans Memorial Hwy. is not indicated on the map submitted to the Council. He wanted to make sure the address is correct. The address on the map is 1920 Veterans Memorial. Mr. Polston showed the Mayor how the street was cut and exactly where the wrecker service would be located. Mr. Polston said that all the information he had on the property indicated the number is 1934. Mr. Graham stated that we could assign the lower part a separate address, and that it would behoove us to have two different numbers on the property.

Mr. Kimbrough asked if anyone has any questions for Mr. Polston. He asked Mr. Graham if he had any questions or comments. Mr. Graham said that he was aware that the property had been cleaned up. Mr. Graham stated that the Public Hearing had been properly advertised in the Marietta Daily Journal.

Ms. Causey moved to close the Public Hearing. The motion was seconded by Ms. Reagan and passed 5-0. Ms. Causey then moved to approve the changes as requested. The motion was seconded by Mr. Thomas and passed 4 in favor with 1 abstention by Mr. Green

CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

14. MAYOR'S REPORT

A. CMA MEETING

DATE:

February 9, 2010

TIME:

6:30 P.M.

LOCATION:

Kennesaw

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Mayor Jerkins said that he would like to mention the Night of the Arts at Garrett Middle School. There will be a VIP reception on February 12, 2010. He encouraged members of the Council to attend to support the school. He said that the VIP tickets are \$20.00 and include a dinner as well as the performance, and the regular tickets for the performance only are \$5.00. He said the performance and reception last year were very good and it would show support for the school. Contact Carolyn for the tickets.

A. Changing Banks for City Business

Mayor Jerkins said the Council would remember that he had spoken before regarding the low interest being paid by RBC and was given permission by them to move some funds to two other banks that pay about three times more interest than RBC. RBC is giving up its contract for their leased space at the Threadmill as of February 19th. He said that RBC has been difficult to work with, adding that Rob Register, General Manager of the gas system, is also unhappy with RBC's service to Austell Gas. Mayor Jerkins asked the Council to consider moving our business to WestSide Bank. This would include the Gas System's business as well.

Mayor Jerkins said he has spoken with Ford Thigpen, WestSide's president, regarding the possibility of placing our funds with his bank. Mr. Thigpen said they would come to the city daily to pick up deposits, and do anything necessary to service our accounts. Having worked with Mr. Thigpen before when he was with Georgia State Bank, the Mayor feels comfortable that WestSide would meet our needs. Mr. Thomas said he thinks it's important to be with a bank that we trust and that respects us. *Ms. Reagan moved to change our banking business from RBC to WestSide Bank. The motion was seconded by Mr. Thomas. The motion passed 5-0.*

15. ADJOURN

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