

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, MAY 3, 2010**

Present: Mayor Joe Jerkins
Kirsten Anderson
Trudie Causey
Randy Green
Virginia Reagan
Martin Standard

Absent: Scott Thomas

The regular meeting of the Mayor and Austell City Council was held on Monday, May 3, 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

Mayor Jerkins called the meeting to order. Scott Kimbrough 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. Standard stated he would like to add 11D. – 2009 Soil Erosion, Sedimentation and Pollution Control Ordinance Amendments. 11E. – 2009 Annual Water Quality Report. Ms. Reagan stated she would like to add 9D. - Underage Alcohol Sales – Fat Cats 9E. - Waive 10 Year Rule for Alcohol Permit.

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

Mayor Jerkins presented a five year pin to Officer Derek Horton and thanked him for his service and his hard work to the City of Austell.

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 \$1,373.00
- C. Approve Minutes of Regular Council Meeting April 5, 2010

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

4. EXCEPTION TO CONSENT AGENDA

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5. CITIZENS REPORT

6. GAS SYSTEM REPRESENTATIVE

Mayor Jerkins stated the meeting was last week and there was no unusual business.

7. FINANCE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON

Denise Soesbee, Director

A. Financial Report

B. 2010-11 Budget – 1st Reading

Ms. Reagan stated please find attached a copy of the 2010-11 Preliminary Budget for your review. This document will be presented to Council for vote at the June 7, 2010 Council meeting. Below is a list of the most significant assumptions for the 2010-11 Fiscal Year:

1. This budget does not include employee cost of living increases.
2. There is a 15% increase in employee health insurance costs.
3. Property tax revenue is decreased \$200,000 for adjustments due to the housing market and the 2009 Flood.
4. Other revenues based on housing and the economy have also been reduced.

If you have any specific questions, please contact Denise Soesbee, Finance Director.

8. GENERAL ADMINISTRATION

KIRSTEN ANDERSON, CHAIRPERSON

Carolyn Duncan, Director

A. No Report

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9. POLICE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, Police Chief

- A. Police Report
- B. Code Enforcement Report
- C. 5 Year Pin – Officer Derek Horton
- D. Underage Alcohol Sales – Fat Cats

Ms. Reagan stated she would turn this over to Scott Kimbrough, City Attorney for a public hearing. Mr. Kimbrough stated at this time he would like to call for a public hearing in the matter of Underage Alcohol Sales. Mr. Kimbrough asked who would be speaking on behalf of the City of Austell. Sergeant David Corvin stated his name and stated he would be speaking on behalf of City of Austell. Mr. Greg Estes, owner of Fat Cats would be speaking on behalf of Fat Cats. Mr. Kimbrough swore in both Sgt. Corvin and Mr. Estes. Sgt. Corvin stated on the day in question we attempted to check certain establishments who were selling to underage buyer. On that day Fat Cats did sell to an underage buyer. Ms. Maxwell was the underage buyer and she went in and she ordered a drink. When I came in I looked at the bar and saw that she had a beer in front of her. Mr. Kimbrough asked if anyone had any questions of Officer Corvin. No one did. Mr. Kimbrough asked Mr. Estes if he had any questions of this officer. Mr. Estes did not. Mr. Kimbrough asked Mr. Estes if he had anything to say. Mr. Estes stated within fifteen minutes of me hearing about the incident I fired the female and had another bartender immediately to replace her. She has not worked at my establishment since then. Mr. Kimbrough asked if anyone had any questions of Mr. Estes. Mr. Kimbrough stated we need a motion to close the public hearing.

Mr. Green moved to follow the recommendation of Mr. Kimbrough to close the public hearing. Seconded by Ms. Anderson. Motion passed (5-0).

Ms. Reagan moved to follow the recommendation of the Police Committee to recommend the Privilege License for Fat Cats located at 2523 Veterans Memorial Highway in Austell, Georgia owned by Greg Estes to be placed on probation for a period of three months. Seconded by Ms. Anderson. Motion passed (5-0).

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E. Waive 10-Year Rule for Alcohol Permit

Mr. Kimbrough stated he would like to call for a Public Hearing for Heather Dawn Power for the purpose of her application to be issued a pouring license work permit. Mr. Kimbrough asked who would be speaking on behalf of the city. Chief Starrett stated he would be speaking on behalf of the city. Mr. Kimbrough swore in Ms. Power and Chief Starrett. Chief Starrett stated Ms. Power applied for a work permit for pouring license to work at Fat Cats and the condition of her criminal history we could not approve the work permit. Ms. Power wanted to bring this before the Council to waive the ten year rule for alcohol permit. Mr. Kimbrough stated the requirements right now as far as the code is concerned is ten years. Mr. Kimbrough stated he had reviewed this and there are jurisdictions that have a five year period with Cobb County being one. This will be one of the requests before the Council tonight to waive the 10 year rule requirement. Ms. Power stated she was only three months shy of ten years. Mr. Kimbrough asked Ms. Power if she was o.k. with him discussing her criminal history to the Mayor and Council. Ms. Power stated, yes, she was.

Mr. Kimbrough stated in 1993 there is a theft by receiving stolen property. That case was dismissed on January 28, 1994. In 1993 there was also a burglary and the case number was actually 1994. That case was also dismissed on March 6, 1995. In 1999 there is a charge for Criminal Trespassing, Criminal Damage to property and there was a misdemeanor conviction on February 25, 2000. An arrest date February 2, 2000 was a DUI driving under the influence, and there was a guilty plea. Mr. Kimbrough asked Ms. Power if this was a plea or a trial. Ms. Power stated it was a plea. Mr. Kimbrough stated it was guilty plea on January 5, 2001. Mr. Kimbrough asked Ms. Power if she had two DUI's during that period or just one. Ms. Power stated she had two during that period of time. Mr. Kimbrough stated in August 12, 2000 you had a DUI arrest. On the same date January 5, of 2001 there was a guilty plea to that and you entered a guilty plea on two DUI's on that day, is that correct. Ms. Power stated, yes. Mr. Kimbrough stated that was an arrest date of 2000. It was August 12, 2000. What was the other arrest date on that, oh! It was February 2, 2000. And then an arrest date of April 16, 2001 for criminal trespass and hit and run due to driver to stop at or return to the scene of an accident. Mr. Kimbrough stated to Ms. Power to please let him know if he had any of these incorrect. Also, a burglary and there was a no contest entered to the hit and run on July 17, 2001. I do not see a disposition of the burglary or the criminal trespass.

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Then one other arrest date September 16, 2002 for criminal damage to property. Mr. Kimbrough asked Ms. Power if it was a guilty plea or trial. Ms. Power stated it was a plea in December of 2002. Mr. Kimbrough stated there is violation of probation. It shows a guilty plea of burglary on July 14, 2004. I imagine that was the reason for the violation of the previous probation. Then August 22, 2007 arrest date that was aggravated assault which is a felony. That was dismissed. December 26, 2009 arrest date possession of marijuana which is a misdemeanor and simple battery. Mr. Kimbrough asked Ms. Power if this case had been disposed of. Ms. Power stated that case was not her. Mr. Kimbrough asked Chief Starrett if he was satisfied with this one not being hers and she has admitted to all the others. Chief Starrett stated, yes, he was satisfied with the information. Mr. Kimbrough asked if anyone had any questions for Ms. Power. Mr. Kimbrough asked Ms. Power if she was seeking a pouring license and what is the name of the establishment. Ms. Power stated at Fat Cats. Ms. Reagan stated this would be a work permit not a pouring license. Mayor Jerkins stated Ms. Power just wants to work at Fat Cats not have a pouring license in her name. Mr. Kimbrough stated, he apologized for the confusion and he stated to Ms. Power so you just want to work at Fat Cats and part of your job would be to serve alcohol. Ms. Power stated, yes, correct. Mayor Jerkins asked if Ms. Power stated it had been three months shy of ten years since she had the DUI's. Mayor Jerkins stated so the DUI's are what we are holding back on. Mr. Kimbrough stated the conviction on the burglary was July 14, 2004. Ms. Anderson stated she had a question that was a conviction because of violation of probation, right? Mr. Kimbrough stated, yes. Ms. Anderson asked did this happen in 2001? Mr. Kimbrough answered yes, it did. I think she pled first offender to the burglary and the felony where as a felony under Georgia Law means you are not actually convicted. You as a first offender have to complete the terms of your sentence and if you don't the first offender can be revoked and guilty conviction can be placed on your record. Mayor Jerkins asked Ms. Power if she was on probation right now. Ms. Power stated, no she was not and had been off of probation for three years. Mayor Jerkins stated so you just like the three months shy of ten years for the DUI's. Ms. Power stated, yes correct. Mr. Standard stated so we are going to change the ten year to five year is that correct? Ms. Reagan stated no, not tonight. Mayor Jerkins stated no, we cannot change the ten year to five year tonight but you can exempt Ms. Power for a work permit. Mr. Kimbrough asked if anyone had any questions. No one did.

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Ms. Reagan moved to follow the recommendation of Mayor Jerkins to close the hearing. Seconded by Ms. Anderson. Motion passed (5-0).

Ms. Reagan moved to follow the recommendation of the Police Committee to waive the ten year period for a work permit for Ms. Power. Seconded by Ms. Anderson. Motion passed (3-2). Ms. Causey and Mr. Standard voted against.

Mayor Jerkins asked Ms. Reagan if the matter of Fat Cats owner Mr. Greg Estes been discussed. Ms. Reagan stated no it was not on the agenda. Mayor Jerkins stated to Mr. Estes he knew he had spoken to Chief Starrett and Chief Starrett has informed me that due to your health problems your business will be turned over to your brother. Mr. Estes stated, yes, to my brother and my daughter. Mayor Jerkins stated what I would suggest is have your brother come and apply for a Privilege License and then let the Council vote on it. Once the Council approves the license then when something happens to you your brother can take over the business and have a license. Mayor Jerkins stated we cannot waive the fees on the alcohol amounts however we will waive the game room fees. I think the council would be alright to waive the game room license but not the alcohol fees. Have your brother come up and apply for the license and the next council meeting they will vote. The license will be pre-approved for you when the time comes. Mr. Kimbrough stated in the death of person holding a license they can move it over to a relative but he does need to have his license in place.

**10. FIRE DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief**

- A. Fire Report
- B. Unsafe Abatement Update
Please see attached sheets:
- C. Unsafe Building Abatement Update Hearing/5706 Mulberry Street
Mr. Kimbrough stated he would like to call for a Public Hearing for an Unsafe Building Abatement hearing for 5706 Mulberry Street. Mr. Kimbrough asked who would be speaking on behalf of the City. Chief Williams stated he would speak on behalf of the city.

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Mr. Kimbrough asked if anyone was present to represent the property. No one was present to represent the property. The property is located at 5706 Mulberry Street and is owned by Mr. Mark Perry.

Mr. Kimbrough swore in Chief Williams. Chief Williams stated the property of Mr. Perry located at 5706 Mulberry Street has been a year in trying to get something accomplished. In May of last year the City Council voted to give the property owner, Mark Perry, a six month period of time to repair this home from a current state of dilapidation. Prior to the public hearing Mr. Perry replaced the roof on the structure.

Mr. Perry testified that the six month period of time should be enough to complete most needed repairs to the structure. The repairs were not completed when the six month period ended.

At the November 2, 2009, City Council Meeting, during the second property hearing, Mr. Perry asked for an additional six months to complete repairs to his home. City Council voted to grant the extension request and gave him until May of 2010 for the structural repairs to the home. In April of this year, repairs to the home were not completed. A certified letter was sent notifying Mr. Perry a third hearing concerning the structure would be held at the May 3, 2010, City Council Meeting. This is where we are today. I did take some photos of the home today. The home has had very little renovation to it. There has been a little bit of work to the front porch area and timber is stacked on the front porch area. I was hoping Mr. Perry would be here tonight and speak on his own behalf. This is all I have as far as new information. Mayor Jerkins asked Chief Williams if Mr. Perry was sent notification. Chief Williams stated, yes, he was sent notification in a certified letter and I did not receive a signature receipt returned to me and I also sent him a letter in regular mail. Mayor Jerkins asked Chief Williams when were notifications sent. Chief Williams stated a month ago. Mayor Jerkins asked if anything came back. Chief Williams stated nothing came back to me. Mr. Standard asked if the property was still considered unsafe. Chief Williams stated the porch area has a large hole underneath the structure and if children got to this it would be considered unsafe. He has boarded up the front door so that is not accessible and the hole is still there. If he has boarded the hole I honestly did not get up on the porch to view it. Mr. Standard asked if the council has the power to write the citation.

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Mayor Jerkins stated no, we do not have the authority. It has to go to court and the Judge has the authority to fine them a thousand dollars a day if they do not comply. Mayor Jerkins stated he has had over a year and it's like playing a game. Mr. Standard stated he thought Mr. Perry would rather spend the money fighting instead of repairing the house. Mr. Standard stated let's go ahead and send him to court. Mayor Jerkins stated being unsafe and we could say if it's not repaired in thirty days we will tear it down. Mr. Kimbrough stated he has had a year to get this resolved and he knew the letters would be sent to him. If the council votes to tear it down, we can file a petition in municipal court and have a hearing there for the Judge to determine if it would be torn down or not. This is kind of a new twist on the Unsafe Abatement. Mayor Jerkins asked the Council what they want to do. Ms. Causey asked if the house is torn down will it be even more unsightly. Mayor Jerkins stated, yes, it's possible but maybe this is the best thing to do and go ahead and write him a citation. Mr. Standard stated yes, let's go ahead and send him to court. Mayor Jerkins stated once it gets into court and Carolyn is the Clerk of Court and I don't think we need to extend him more time. I think he has had too much time. Ms. Causey asked once it goes to court will it come back to us. Mayor Jerkins stated when the Judge makes a decision on what to do and that point he may give him three days to fix it or he may fine him a thousand dollars. If he doesn't start paying the fine he will end up in jail. Ms. Causey stated she thought this was the best solution. Mr. Kimbrough asked if anyone had any questions for Chief Williams. No one did.

Mr. Green moved to follow the recommendation of Mayor Jerkins to close the public hearing. Seconded by Ms. Causey. Motion passed (5-0).

Mr. Green moved to follow the recommendation of the Fire Department to file a petition for Mr. Perry on his property located at 5706 Mulberry Street for unsafe abatement and to bring up to code and for unkempt property and demolish the home and to bring before the Judge in Municipal Court. Seconded by Mr. Standard. Motion passed (5-0).

D. Unsafe Building Abatement Hearing/6064 Pine Street

Mr. Kimbrough stated at this time he would like to call for a Public Hearing in the matter of an Unsafe Abatement at the property located at 6064 Pine Street. Mr. Kimbrough asked who would speak on behalf of the city. Chief Williams stated he would.

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Mr. Kimbrough asked who would speak on behalf of Ms. Lynda White Williams. Ms. Courtney Williams stated she would speak on behalf of her mother. Mr. Kimbrough swore in both Ms. Courtney Williams and Chief Williams.

Chief Williams stated this was also a re-hearing and Ms. Williams had been given sixty days to repair the roof to the structure. The first hearing the City Council had approved a total of six months to complete renovations bringing the structure to all code(s) compliance.

At the February City Council Meeting, an additional sixty days was granted to Mrs. Williams to bring the home into compliance. This period ended in April and was reviewed at the April 5th City Council Meeting. The City Council granted an additional thirty days for repairs. Today, we are hearing the matter for the fourth time. Mr. Kimbrough asked if anyone had any questions for Chief Williams. No one did. Chief Williams stated he had taken some photographs of this property. This property is still in disrepair. Mr. Kimbrough asked Ms. Courtney Williams if she had any questions of Chief Williams. Ms. Williams stated she did agree with Chief Williams on what he stated and the photographs. It is not in the best condition but work has been done on the property. He does have some items to be completed. He has worked on the roof and I did see this myself. He has reconstructed the inside and the part where the extended area is and where the extra rooms are he does have a plan drawn out as to how it should be. He has had electrical work and plumbing done and Curtis McClendon has agreed to come and look at this. The porch was completed and it is safe to walk on it. The part he adding on is boxed up so you can't see it. This is so no rain or elements can get into the structure. These are some things he has completed. Mr. Kimbrough stated who is he? Ms. Williams stated Ricardo Anderson. Mr. Kimbrough asked if he was the contractor. Ms. Williams stated yes, he was. Mr. Kimbrough asked if Ms. Lynda White Williams still owned the property. Ms. Courtney Williams stated, yes, she does. Mr. Kimbrough asked if anyone had any questions of Ms. Williams. Mr. Standard asked Ms. Williams if the contractor has addressed the foundation, and the reason I am asking when I drove by there, it is the first thing that stood out to me because it looks like its teetering. Maybe not teetering but it looks like it could be pushed over. The foundation is less than adequate. Ms. Williams stated the contractor had not mentioned anything about that. Mayor Jerkins asked when was the last extension period. Chief Williams stated at the last meeting which was the April meeting Mr. Anderson was given thirty days to complete.

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Mayor Jerkins stated that he was told he had to complete at the end of thirty days. Is this correct? Chief Williams stated, yes. Ms. Williams stated the weather has had a lot to do with him not doing anything on the outside. He has completed some things on the inside and working on the roof and other things. Mayor Jerkins stated we don't seem to be accomplishing anything. Also, someone was partying behind this house and had a fire and someone got their hand burned and the Fire department had to treat them. There is some hanging out and some drinking and different things and we don't like it. There is some unsafe stuff happening and it has changed very little in thirty days. I don't know what your plans are and how much money you plan on putting in it. Right now the rate it's going it wouldn't be finished in two years. Ms. Williams stated Mr. Anderson has already bought some supplies to try and finish the job if he had more time. Mayor Jerkins stated very little has been done since we started and this has been going on several months. Mayor Jerkins stated this is the point I am trying to make it has been going on several months and it needs to be torn down or fixed. What is it going to be! Ms. Williams stated they are trying. Mayor Jerkins stated again, they have been given thirty days and this doesn't seem to matter because then you come back for thirty more days and it is not getting anywhere. Ms. Williams stated there is only so much you can do in thirty days. Mayor Jerkins stated that's true but don't you think it should be torn down. If you gave it to me I wouldn't work on it and try to fix it. Ms. Williams stated all the work he has done on the house so that would be a waste. Mayor Jerkins stated it is a waste because you couldn't give to me to fix right now. Mr. Standard stated you said Ms. Williams Mr. Anderson had bought ample materials to fix the house is that correct. Mr. Standard stated there is not enough materials to finish that house. It is not there to finish the house. Mayor Jerkins stated some of the stuff has been taken down and it is now worse than when it started. Ms. Williams stated it will get worse before it gets better. Everything is like that. Mr. Green asked Ms. Williams did Mr. Anderson tell when he would be finished with it. Ms. Williams stated no, he didn't but he did say he would complete the roof and the shingles by the end of this week. Ms. Causey stated they already have had ten months. Mayor Jerkins stated this is one of those situations, I think we need to send them to court. It doesn't seem to be nothing happening and that point somebody will have to go to jail or start paying the fine of one thousand dollars a day to get it finished or something. We are not getting anywhere and its costing and like I said if you give the house to me I wouldn't want it to fix.

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It would cost more to fix that house than it's worth. You may not understand that but it will. This is a serious matter and it has been going on ten months and nothing has happened but very little. It's worse now than when it started. Mayor Jerkins asked the Council if they wanted to send them to court too. Mr. Kimbrough asked if anyone had any questions of Chief Williams or Ms. Williams. No one did.

Ms. Causey moved to follow the recommendation to close the public hearing. Seconded by Mr. Standard. Motion passed (4-1). Ms. Anderson voted against.

Mr. Standard moved to follow the recommendation of the Council on the property located 6064 Pine Street appear in court and the recommendation to have the property torn down and condemn and this will be the Judge's decision. Seconded by Ms. Causey. Ms. Anderson stated what exactly are you asking for? Ms. Williams stated basically more time. Mr. Anderson has told my Mom and I he wants to finish the house and he just needs more time. Mayor Jerkins stated well, he has put a few shingles on and the grass was cut. Ms. Anderson asked how long was given to the property on Old Marietta was that a year. Chief Williams stated it was the May abatements of last year. Ms. Anderson stated so it was about ten months. Chief Williams stated and the Old Marietta was not unsafe and this one is unsafe. Mayor Jerkins stated this one is unsafe as you can see the pictures. Ms. Causey stated she drove by there several times and there are guys out there drinking. Ms. Reagan asked when did we approve to give them six months to complete the renovation. Chief Williams stated that was the original hearing on July 6, 2009. Mayor Jerkins stated it's a joke because they come before us and we just keep giving them more time. Motion passed (3-2). Ms. Reagan and Ms. Anderson voted against.

Mayor Jerkins told Ms. Williams that it would be thirty days before Mr. Anderson had to go to court and maybe he could get everything complete before that.

E. Unsafe Building Abatement Hearing/5685 Rockhill Street

Mr. Kimbrough stated he would like to open the Unsafe Building Abatement Hearing on the property located at 5865 Rockhill Street. Mr. Kimbrough asked who would represent the City. Chief Williams stated he would. Mr. Kimbrough asked who was present to represent the property located at 5865 Rockhill Street.

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Ms. Rita Otts and Josh Otts introduced themselves and Mr. Kimbrough swore in Chief Williams and Ms. Rita Otts and Josh Otts. Chief Williams stated several of us went out and looked at this property at 5865 Rockhill Street. The structure is in an irreparable state and has visible structural problems from the exterior. Due to the condition of the dilapidated structure, it is our recommendation that the structure be placed in Unsafe Building Abatement for a council hearing at the regular meeting of the Mayor and City Council on May 3, 2010. We recommend the structure be demolished for the aforementioned reasons.

The owner of the property, Mrs. Rita Nichols Otts has been sent notification stating the condition of the property. The notification letter serves notice of the Abatement hearing.

Photographs were taken today and brought before Code Enforcement and brought to my attention. I went out and looked at the property and there was a lot of garbage on the property. I did make a phone call and spoke with your son and he began to cleaning the property up. There has been a lot of garbage and there is very little garbage left around the structure. The structure itself is still in disrepair. Our recommendation is the structure be demolished. I don't see where we can spend enough dollars to put back in a repairable condition to be sold or rented out. Mayor Jerkins asked Ms. Otts what she had in mind.

Ms. Otts stated she had a contractor coming out to look at the house. I did not know any of this was going on. My in-laws were living in the house since the eighties and my husband always took care of the house until he died in 1997. My mother-in-law and my brother-in-law still lived there and then my mother-in-law passed away and my brother-in-law still lived there. Then he moved out in 2007 and then the beginning of 2008 my sister-in-law and her two sons wanted to move into the house and I told her it needed work done to it and she and I had a verbal agreement that she would fix up the house. I have to take care of my mother in Birmingham, Al and I have to drive a lot because I live in Social Circle, GA. I had no idea they had piled up all the garbage. I was so upset about this garbage. My son went out to the house and the garbage was piled up to the roof in the back of the house and some on the front. Anyway, we got out there and cleaned this mess up and the yard cleaned up. My son talked with the Fire Chief and the Officer to get all this taken care of and found out I had been lied to. I have this contractor come out to see if it could be saved.

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He said the rafters looked good and the flooring looked good and the foundation is o.k. and he gave me an estimate on doing the roof and the shingles and of all the rotten wood on the edges. The contractor went up in the attic with my son and said everything looked o.k. His estimate is \$9,500.00 and of course you can't ever tell until he starts looking into the job. If we get in there and we find it can't be saved I will have it torn down. Mayor Jerkins stated he was concerned with the inside too. I talked to the neighbors and he told me the wiring was bad because they had extension cords run everywhere. Mr. Josh Otts stated he was aware of the bad wiring. The in-laws tried to run an oven off of a 120 outlet. Mayor Jerkins stated it will take a lot more than \$9500.00 to fix it. Just so you understand this and bring up to code. Ms. Otts stated this way I can get the outside done and then I can work on the inside. Mayor Jerkins stated we are here to work with you but we also need to see some progress. I have been out there looking at it several times. Ms. Otts stated the roof has two leaks in the back. Mayor Jerkins asked how much time do you think you need. Ms. Otts stated if I can get the outside done and I will have to save the money for each step. Mayor Jerkins asked how long do you think? Ms. Otts stated at least six months to a year. I have it boarded up and the porch is safe and there are only two windows that are not boarded up. I mean I can help him and I have to buy the materials first. Mr. Standard stated it seems like you would have to do some demolition to find out if you have any rot in the wood. Ms. Otts stated there could even be termites in the wood and in that case it would have to be torn down. Mr. Standard stated he didn't agree to six months to a year. Mr. Green stated I don't think six months to a year if they are working on the house that the stress of the structure will stand it. I think it will rot itself down. Ms. Otts stated the floors feel sturdy to me and the toilets work because I used it today. Mr. Standard stated sometime the property is worth more when you tear the structure down. Ms. Otts stated if we tear it down can I eventually put a modular home on it. Mr. Josh Otts explained we have been playing with the idea and which one would be more cost effective. Mayor Jerkins stated as long as it is a certain size because it can't be a trailer. Ms. Otts stated we are talking about a modular home and a permanent home with a foundation on it with porches on it which would be really nice. Ms. Anderson asked isn't there a modular home on the corner of Pine Street. Mr. Graham stated we have two modular homes. One is on Mr. Godfrey's property and on Pine Street. Mayor Jerkins stated it depends on the size of it.

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Mr. Graham stated it has to be eighteen hundred square feet without a variance and you can get a variance if you want it smaller. Mr. Standard asked if the lot was bigger than 310 feet. Mr. Graham stated he would have to see the lot. Mr. Otts stated from front to back it is and I am not sure how wide it is. Mr. Standard stated just consider if you tear the house down and clean the lot up then you have ten years to save up your money to buy the modular. If you don't, then I don't know. I wouldn't give you six months because we have done that over and over again. We have to see something every thirty days. Mayor Jerkins stated the house is nothing like it was but it still needs repairs. Mayor Jerkins asked Ms. Otts if she could make a decision within thirty to sixty days as to what you will do. Ms. Otts stated, yes, sir I think I can. Mr. Green stated you need to get it fixed and move someone into it because if you don't it will deteriorate.

Mr. Standard moved to follow the recommendation to close the hearing. Seconded by Mr. Green. Motion passed (5-0).

Mr. Standard moved to follow the recommendation to give the Otts family sixty days to give us a answer to demolish or re-build the house. Mr. Green stated we need some documentation for either plan. Seconded by Ms. Anderson. Motion passed (5-0).

Ms. Reagan stated she would like to ask about Mr. Traylor's property and where it stands. Mr. Bowens stated we went down to GEMA and met with the GEMA staff. They have been tweaking our paper work we have submitted. The meeting was to verify that everything was in order. Once they send it to FEMA I am hoping they will have a two week turn around and notify GEMA. Currently, what we are doing with the tier two properties is trying to do the analysis on them and see whether or not the cost of the flood and the rebuilding cost will outweigh the buyout. They have to come up with a score of at least 1 point something with that for the analysis that is required and it will be very difficult. We have been told that by GEMA and by our Consultant. Mayor Jerkins stated he received a call from GEMA today and anyway they had been getting some calls and we wouldn't answer some of the people's questions. Mayor Jerkins stated the reason for that is because we are being sued and we do not discuss any longer. We are telling them to contact their lawyer to tell him to contact our lawyer. This gets us out of it and they understood when I told them. They just wondered why we were not responding.

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About the tunnel, I am to have a telephone conference call on May 10, May 12, or May 13. We will discuss what my suggestions are and their suggestions are with the Corps. of Engineers. They are trying to put together a Silver Jacket group for Georgia and they want to know my thoughts and then they will set up a meeting. Then they would be a lot more prepared. So, the tunnel is not out of the question. They are listening to me and it is moving forward. It will take time but they are working with me. Ms. Causey asked if Mr. Traylor was in Tier 1. Mr. Bowens stated, yes he is. Ms. Reagan asked how Mr. Traylor got into the Tier 1 when his damage was done prior to the September flood. Mr. Bowens stated because he had substantial damage in 2005 and he was in the AE Zone. He met those two requirements. Mayor Jerkins stated he was qualified. Ms. Reagan stated I just wondered how he got into the buyback program. Mayor Jerkins said he did qualified and he applied for the buyback program. Mr. Bowens stated when Mr. Traylor flooded in 2005 he submitted an application in 2005 and the accumulative loss basically from 2005 to 2009 even though the house was unoccupied there was damage to the structure in 2005 and that put him over the threshold meeting the requirement in being in an AE Zone. Mayor Jerkins stated it's very little money. Mr. Bowens stated it is down to \$16,000. Mayor Jerkins stated it's not like a sixty thousand dollar house.

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

A. Solid Waste Management Plan Resolution

Mr. Standard moved to follow the recommendation of the Public Works Committee and the City Council to approve and adopt the final 2006-2017 Solid Waste Management Plan Resolution and to authorize the Mayor and City Clerk to sign the Resolution. Seconded by Ms. Reagan. Motion passed (5-0).

B. Powder Springs Creek Study

(Please see attached sheet:)

Mr. Standard moved to follow the recommendation of the Public Works Committee to recommend to participate in this study. Seconded by Ms. Anderson. Motion passed (5-0).

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C. Removal of Water Tower

(Please see attached sheet:)

Mr. Standard moved to follow the recommendation of the Public Works Committee to award a contract to Utility Service Company, Inc. for the demolition and removal of one 150,000 elevated water tower in an amount not to exceed \$12,400.00. Funding will come from the Water Division (505/4440). Professional Services (52.1200) of the current Fiscal Year 2010 budget. Seconded by Ms. Reagan. Motion passed (5-0).

D. 2009 Soil Erosion Sedimentation And Pollution Control Ordinance Amendments

(Please see attached sheets:)

Mr. Standard moved to follow the recommendation of the Public Works Committee to re-adopt the amendments to the City of Austell's Soil Erosion, Sedimentation, and Pollution Control Ordinance, as presented. Seconded by Ms. Reagan. Motion passed (5-0).

E. 2009 Annual Water Quality Report

(Please see attached sheets:)

Mr. Standard stated the purpose is approve the attached Annual Water Quality Report to be mailed to all water system customers including those living in apartment complexes and mobile home parks that do not receive a utility bill.

Mr. Standard moved to follow the recommendation of the Public Works Committee to approve the 2009 Annual Water Quality Report and to authorize mailing of the same. Seconded by Ms. Reagan. 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. No Report

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14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE:	MAY 11, 2010
TIME:	6:30 P.M.
LOCATION:	COBB COUNTY P.D.

16. ADJOURN

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