

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, AUGUST 3, 2009**

Present: Mayor Joe Jerkins
Kirsten Anderson
Beverly James Boyd
Randy Green
Virginia Reagan
Scott Thomas
David "Bo" Traylor

The regular meeting of the Mayor and Austell City Council was held on Monday, August 3, 2009 at 7:00 P.M. at City Hall.

Also present were: Hylton Dupree, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Deputy City Clerk; General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Denise Soesbee, Finance Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Reverend DeHart gave the Invocation and Mayor Jerkins thanked Reverend DeHart, First United Methodist church for feeding the needy every week on Thursday and for being a sponsor for C.A.M.P. 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 presented Anita Denney-Moore, Finance Department with a twenty-five (25) year plaque for her twenty-five years of service. Mayor Jerkins thanked Anita for her years of service and her dedication. Ms. Boyd, Finance Chairperson, presented Anita Denney-Moore with a twenty-five (25) pin and expressed her gratitude for her years of service. Mayor Jerkins presented Greg Etheridge, Firefighter with a fifteen (15) year plaque and thanked him for his continuous efforts and service to the City of Austell. Mr. Thomas, Fire Department Chairperson, presented Greg Etheridge with a fifteen (15) year pin and thanked him for his efforts and dedicated service. Mayor Jerkins presented Natalie Poulk, Deputy Chief of the Police Department a ten (10) year plaque and thanked her for many years of service and dedication. Mr. Traylor, Police Chairman presented Deputy Chief Poulk with a ten (10) year pin and thanked her for her years of service and dedication.

2. CONSENT AGENDA – INFORMATION AND UPDATE

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

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3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$1,112.50
- C. Approve Minutes of Regular Meeting July 6, 2009
- D. Reception - 25 Year Service Plaque & Pin – Anita Denney-Moore
15 Year Service Plaque & Pin – Greg Etheridge
10 Year Service Plaque & Pin – Deputy Chief Natalie Poulk

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Ms. Juanita McClendon step-mother of the murder victim, Jeremy McClendon, stated she would like to thank the Austell Police Department and the Austell Fire Department for their professionalism and their compassion to her and her family. Especially to Deputy Chief Poulk who went beyond the call of duty to help the family. Mayor Jerkins thanked Ms. McClendon and told her the Police Department is working on the case real hard. Mayor Jerkins stated how sorry he was this had happened and thanked Ms. McClendon for coming to the meeting

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins stated it had been normal business meeting for the gas company. Mayor Jerkins stated Mr. R.E. Long passed away last Friday morning of pneumonia and they had his funeral today. He had served on the Gas Board for forty-one (41) years since 1968.

7. FINANCE DEPARTMENT

BEVERLY JAMES BOYD, CHAIRPERSON

Denise Soesbee, Director

- A. Financial Report

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8. GENERAL ADMINISTRATION

RANDY GREEN, CHAIRPERSON
Carolyn Duncan, Director

- A. No Report

9. POLICE DEPARTMENT

DAVID "BO" TRAYLOR, CHAIRPERSON
Bob Starrett, Police Chief

- A. Police Report
B. Code Enforcement Report

10. FIRE DEPARTMENT

SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief

- A. Fire Report
B. Unsafe Building Update

Mr. Thomas stated he would like to turn the Unsafe Building Update over to Chief Williams. Chief Williams stated in March of 2009, the Mayor and Council reviewed the recommendation to abate three properties located in the City of Austell. The property located at 3002 Veterans Memorial Highway has been demolished and requires no further action. The most current status of the two remaining properties is as follows:

5575 Old Marietta Road

The Austell City Council voted to give the property owner, Mr. Bill Braswell, a six month period of time to repair this home from fire damage. The structure must be repaired to meet all applicable building codes. The owner has purchased the proper permits to begin repairs.

In May, Mr. Braswell advised that electrical bids had been obtained and that work would begin in the next couple of weeks.

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He added that the dumpster had been removed and the lawn was being maintained. I reminded him the work needed to be completed within the next three months per order of the City Council. As of this date, from the exterior of the structure, there is no indication of repairs being underway.

In speaking with Mr. Braswell on the 30th of July, he advised that money has been the issue concerning the repairs to the structure. He added that the boards were to be removed over the next week. Once again, I reminded him that per order of the City Council, all repairs were to be completed by the first week of September, 2009. Chief Williams asked the Council when we get to the month of September where do we go from here. I really don't think Mr. Braswell is going to do a whole lot because he has had five months to do some work and has done nothing. I am not real confident, and there is no way he can get it up to code as the Council told him to do. I am asking for advisement from the Council as to where we go from here. I guess if we ask him to come back on that date in September. Mayor Jerkins stated I think we should ask him to come back on September 14, 2009 the next Council meeting and then the Council can decide what to do. Chief Williams asked Mayor Jerkins if he needed to send Mr. Braswell a certified letter requesting he attend the Council Meeting on September 14, 2009. Mayor Jerkins stated, yes, to Chief Williams. Ms. Boyd asked if we could fine him or is there anything we can do? Mayor Jerkins stated he really didn't think the Council could fine him. Ms. Boyd stated maybe he could go before the Judge and he could fine him through the Court System. Ms. Boyd stated we need to find out before we go to the expense of tearing it down. Mayor Jerkins stated he would like to talk with Hylton or Scott about this since we have about a month left. Ms. Boyd stated we need some teeth in the law to deal with these people. If there is something we can do let's put it in the agenda for September and pass it. Mayor Jerkins stated it's questionable as to where it can be repaired. Mayor Jerkins instructed Chief Williams to send a letter to Mr. Braswell regular mail and then a letter certified and a phone call. At that point, at the September Council meeting, if he isn't going to do anything we will decide what to do.

Chief Williams stated the property at 2442 Brooks Drive, the owner Mr. Traylor has received a letter from GEMA. I would like to read this letter to you tonight. The letter states the ongoing benefit cost analysis GEMA has determined it is located in the one hundred year flood plain. It is documented that it does have substantial damage.

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The application has been forwarded to NEMIS and we are awaiting approval by FEMA and hopefully we will have something concrete on that property shortly. Chief Williams asked Mr. Traylor if he would like to comment on anything. Mr. Traylor stated the last document was received today and Duane presented it to the Mayor. If they go through with it they will assign the property to the City of Austell for the City to maintain as green space. If we can sign that document tonight, this is the last final document they need to go with that FEMA file and so we can go forward. I was hoping it would come to resolution before now but they are dragging their feet like they have since 2005. Every time you get one piece of paper finished they send six more pieces of paper to sign and send back. Ms. Boyd asked who is going to tear the house down and clean the property up. Is FEMA going to pay Mr. Traylor? Mr. Traylor stated when they buy the property, the property stands as is right now until they buy it and the structure has to be removed after they buy it and then they will relinquish the title to the City for green space. Ms. Boyd stated so they are going to come in here and clean it up in a reasonable length of time. Ms. Boyd stated we do not want it the way it is. Mayor Jerkins asked Mr. Traylor if this was going to be his responsibility or theirs? Ms. Boyd stated that it is what I would like to know. Mr. Traylor stated the way I understand it they make funds available to me and give me so many days to meet their obligations and demolish the structure. FEMA will not buy just the property vacant it has to have a structure on the property according to FEMA guidelines. Mayor Jerkins stated, so it is your responsibility to remove it. Mr. Traylor, stated, yes it will be my responsibility. Ms. Boyd stated that is not what you said the first time. So, you will take care of cleaning the property up. Mayor Jerkins stated, yes, it needs to be demolished. Chief Williams thanked, Mr. Traylor and Mayor Jerkins.

Chief Williams stated in May the Mayor and City Council reviewed the recommendation to abate three properties located in the City of Austell. The most current status of each property is as follows:

The property at 6016 Pine Street and the property owner, Mr. Scott Miller, was given sixty (60) days to report the progress on this structure. On July 6, 2009, Mr. Miller called and stated due to the expense of renovating the structure, he has decided to go forward with demolition. A demolition permit has been purchased and approved by the City building inspector. Mr. Miller further stated the property should be gone in thirty days. As of today, the property is still standing and in disrepair. I will follow-up with Mr. Miller to see why he is not complying. Chief Williams asked Mr. Graham how long does the permit last. Mr. Graham stated the permit does not have a date on it.

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But, the permit would be good for six months to a year. In May he was given six months. Mr. Miller may need to come back before Mayor and Council before this is resolved.

The City of Austell has purchased the property at 5870 Love Street and has demolished several structures on the property. The one remaining building will be renovated in the near future. Ms. Boyd stated it looks so much better.

The property at 5706 Mulberry Street and the property owner, Mr. Charles Mark Perry was given six months to complete renovations on this structure. Mr. Perry was remanded to report to Chief Williams by the first of the each month on what progress has been made towards completion.

In May, Mr. Perry advised that due to all the rain, he has not been able to get as much done as he would like. He added that work on securing the structure would be done over the weekend (May 30th and May 31st).

As of July 31, 2009, Mr. Perry has not contacted my office over the past two months regarding progress on the structure. From the exterior, it appears that some cleanup has been done in the backyard of the property. From the exterior, it appears that since the roof was replaced, no further repairs are under way. He has a clock ticking as well. Ms. Boyd stated this is another one we need to do something about. Mr. Green stated we need to give them a total of six months and let that be it, instead of them coming back and saying they want to remove the structure after six months has already gone by. Ms. Boyd stated, we need something on the books where we can fine them or take them before the Judge. Maybe, we can give them a deadline and then fine them if they go past the deadline. Chief Williams stated he didn't know what was going to happen with Mr. Perry's property. Chief Williams stated he agreed that we need to put some teeth into this so the property owner would react. Ms. Boyd asked when we put a lien on their property how much are we going to put on that. Mayor Jerkins stated we will have to come up with a figure on the hourly rate. Dump trucks and dumping fees and whatever time we have in it this is what we will charge. Ms. Boyd stated we have never collected on a lien. Mayor Jerkins stated I think you have to re-do the liens every year. Ms. Boyd stated, yes, we have to re-do the liens every year through the Finance Department. Mayor Jerkins stated we can sell their property on property taxes which we have never done before but we can do it. It has to be done at the Court House but we can do this. Mr. Kimbrough and I will check into this and maybe we can get some things done.

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Chief Williams stated in July of 2009 the Mayor and City Council reviewed the recommendation to abate two properties in the City of Austell. The most current status of each property is as follows:

Chief Williams stated the property at 6064 Pine Street and the owner Lynda White Williams was given 60 days to repair and replace the roof of the structure. Also, an added on portion to the side of the structure was to be removed within the 60 day period. The City Council approved a total of six months to complete renovations bringing the structure to all code(s) compliance.

In speaking with Ms. Williams on the 30th of July, she advised the contractor had not made very much progress towards the required repairs. Ms. Williams added that he had been cleaning up in and around the property. I did speak with her.

The property owner, Eric Eugene Key, at the property at 5157 Lakeview Court failed to appear at the City Council meeting. The Council voted to demolish the structure due to its dilapidated condition.

The Council asked that our City attorney, Mr. Scott Kimbrough, send Mr. Key a certified letter informing him of the City Council's decision. A copy of the letter is included for your review.

11. PUBLIC WORKS DEPARTMENT

**DAVID "BO" TRAYLOR, CHAIRPERSON
Randy Bowens, Director**

A. No Report

12. PARKS DEPARTMENT

**RANDY GREEN, CHAIRPERSON
Jim Graham, Director**

A. No Report

13. COMMUNITY DEVELOPMENT DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Jim Graham, Director

A. Memorandum of Agreement for Spring Street House

Ms. Reagan stated the Baby Land Improvement Group represented by Reverend Frank Johnson has been awarded the use of the house located at 5948 Spring Street as a Community learning and counseling center for the youth of this area. Attached is a draft of the Memorandum of Agreement between the two parties for your review and/or approval. Going over this document at pre-agenda meeting we agreed to add as number fourteen (14) the facility may not be used as a church services or formal religious assemblies, personal use and no weddings or family reunions. Number seventeen (17) there will be no alcohol of any kind present or consumed on the premises and smoking will be prohibited in the facility. Number eighteen (18) the organization agrees to hold the City harmless for any claim or cause of action pertaining to the use of the facility and agree to sign an agreement to that effect. This includes staff and participants of the program and these will be our changes. Ms. Reagan stated she would like to make this agreement part of the minutes. (Please see attached Memorandum of Agreement).

Ms. Reagan moved to follow the recommendation of the Community Development Committee to approve the Memorandum of Agreement between the City of Austell and the Baby Land Improvement Group. Seconded by Ms. Boyd. Motion passed (6-0).

Mayor Jerkins stated Baby Land Improvement Group had their grand opening on Saturday and he was very impressed and there are a lot of people that will be helping Frank and I think it is great. We are so proud to have you and all the work your doing. I think it will be a good thing for our City and our citizens. We will be here for you and any help you need just let us know. We appreciate all you have done.

14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

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15. MAYOR'S REPORT

- A. CMA MEETING
DATE:
TIME:
LOCATION:

NO MEETING
AUGUST 11, 2009

B. MDA Proclamation

Mayor Jerkins read the MDA Proclamation and presented the proclamation to Emily from the Muscular Dystrophy Association. Emily introduced Jacob Walker who has Muscular Dystrophy and lives in Powder Springs, GA. Emily stated to the Mayor and Council how wonderful the Austell Fire Department and Chief Williams had been to work with. Jacob Walker thanked the Fire Department for all their help and support.

C. Additional Court Fines to Benefit North Central Georgia Police Academy

Mayor Jerkins stated we discussed this at pre-agenda meeting. Basically, what we are doing is adding five dollars to the fines making a total of ten dollars. We have already approved five several months ago for the Police Academy. Powder Springs and Cobb County have put ten on it and that is why I asked Council for another five to it.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the additional Court Fine changing the fee from five dollars to ten dollars to benefit the North Central Georgia Police Academy. Seconded by Mr. Thomas. Motion passed (6-0).

D. Report on Special Called Meeting to Adopt Millage Rate

Mayor Jerkins stated we had a public hearing at 6:00 P.M. for our millage rate. No one attended the meeting. Actually our revenue will be down this year even though the millage rate will stay the same. Our millage rate will be 3.123 which has been the same for about the last seven years. We weren't required to have a public hearing but we had one anyway. Some property values went down in Cobb so our taxes will be less income of about two percent 2% so our revenue will be down. I will need you to vote to leave the millage rate 3.123.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to leave the millage rate at 3.123 for the next fiscal year. Seconded by Mr. Thomas. Motion passed (6-0).

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16. ADJOURN

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