

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, JANUARY 5, 2009**

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

The regular meeting of the Mayor and Austell City Council was held on Monday, January 5, 2009 at 7:00 P.M. at City Hall.

Also Present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Deputy 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 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. Mr. Traylor stated he would like to add 9D- Request for Permit -Jennifer Holt. Mr. Green stated he would like to add 12A. – Information Only – Purchase of Lawnmower. Ms. Boyd stated she would like to add 7B. – Audit Report and 7C. – Purchase of Plaque.

*Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the items added to the Agenda. Seconded by Mr. Traylor. Motion passed (6-0).*

Mayor Jerkins and Randy Green presented Megan Duncan of Court Services a five (5) year service pin and thanked her for her years of service and dedication to the City of Austell. Mayor Jerkins and David "Bo" Traylor presented Officer Marshall Sloan of the Police Dept. a five year service pin and thanked him for his years of service and his dedication 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 \$1,202.42
- C. Approve Minutes of Regular Meeting December 1, 2008

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*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Mr. Thomas. 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. Mr. Jonathan Gilbert stated he would like to speak to the Mayor and Council. Mr. Gilbert stated he lived at 5802 Westside Road in Austell, GA.

“I have lived here about three years and the traffic density has increased. The current speed limit is 40 miles per hour and this seems a little excessive to me because of the community. Sometimes I have been out in the front yard and I have watched people coming down that road it is a long downhill straight away. There is only one business located on that road and it is the radio station. It’s located close to the entrance of Westside and Humphries Hill. A number of improvements have been made at that intersection including crosswalks, islands, increased signage, and pedestrian traffic lights. In keeping with that perceived conception of increased safety this resident is proposing that a stop sign on Westside Road facing Slate Drive as travel progresses on Garrett Road. Traveling on Westside Road after passing the radio station there are a series of six homes on the left. Three of those homes have portable basketball goals in there driveways. The last home has children that I have seen and they have a portable basketball goal. Many times I have been coming down that street and I have seen the basketball get away from the children and roll across the street. A forty (40) mile per hour speed limit and an inadvertent driver and a child crossing the street chasing a loose ball is a recipe for a disaster. Seeing a stop sign just ahead might keep the attention of a driver and normally the cue of a stop sign is a cue to began to slow down out of respect for and especially if used in conjunction with a yellow cautionary stop sign ahead. The children in this situation would be the beneficiary of this placement. Additionally, just before the Slate Drive intersection there is a six foot high vault obstruction fence preventing visibility to the right side view of drivers on Westside Road toward Garrett Road. A driver cannot see activity occurring on Slate Drive due to the fence as an artificially induced blind spot and there is a school bus stop at that intersection. In talking with one of the students that attends high school I was told that six or seven students utilize that location. There are also additionally children that wait for an elementary school bus. The children and other residents with school age children that utilize that bus stop on Slate Drive will be the direct beneficiaries of the stop sign placement. A stop sign added at Westside Road stopping traffic at Slate Drive would cause little inconvenience to passing motorists.

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And the cost to placing one or two traffic control devices would be minimal compared to what medical and emotional trauma occurs when a motorist victimizes an innocent life. Please consider what has been shared and act accordingly.”

Mayor Jerkins stated he drove through the other day and I thought there was a stop sign on that street. Mr. Gilbert stated, no, the stop sign was on down and they were about a quarter of a mile apart. Ms. Boyd stated she thought forty (40) miles per hour was a little fast in a neighborhood. Mayor Jerkins stated maybe we can change to thirty-five miles per hour. Mr. Green asked if the city had any signs up for children at play. Mr. Gilbert stated, no. Mayor Jerkins stated he did not have a problem putting a stop sign there and changing the speed limit to thirty-five (35) miles per hour whatever the Council would like to do. Mayor Jerkins asked if we have to advertise to put up a stop sign. It is a city road not a county road. Mayor Jerkins stated if someone in the council would make a motion to approve a stop sign and changing the speed limit.

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to install a stop sign on Slate Drive and Westside Road and on Westside reduce the speed limit from forty (40) miles per hour to thirty-five (35) miles per hour and install a Children at Play sign on Westside Road and this will get their attention before they get to the stop sign. Seconded by Mr. Thomas. Mr. Green asked if there was a place we could put a crosswalk. Mr. Bowens stated there was two phases to the subdivision. It wouldn't be that hard to put a crossing there. Ms. Boyd stated she would like to amend her motion and add a crosswalk and decide where to put the crosswalk once they get onsite. Seconded by Mr. Thomas. Motion passed (6-0).*

Mayor Jerkins stated they would have everything done in about three (3) weeks.

**6. GAS SYSTEM REPRESENTATIVE  
JOE JERKINS**

Mr. Kimbrough stated there was no meeting this month. The next meeting will be in February.

**7. FINANCE DEPARTMENT  
BEVERLY JAMES BOYD, CHAIRPERSON  
Denise Soesbee, Director**

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A. Financial Report

B. Audit Report

Ms. Boyd introduced Mr. Jimmy Whitaker to present the audit. He stated for the fiscal year ending June 30, 2008 we have completed your Audit and have issued an unqualified opinion and that is what you would like to see. (Please see attached.) Mr. Whitaker presented and reviewed the attached pages. Mr. Whitaker asked if anyone had any questions. No one did.

C. Purchase of Plaque

Ms. Boyd stated we requested sometime ago for plaques to be made for the Threadmill Complex. At this time I have submitted to you the information on the plaques as far as size and wording. I would like for you to consider approving these plaques tonight so they will be ready by spring 2009.

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to approve the purchase of two (2) 24 X 36 bronze plaques to be placed on the outside of the Threadmill Complex building. Since there is no money budgeted for this special project money for the plaques will come from the contingency fund. The price will not exceed a total of \$10,000.00. Seconded by Ms. Reagan. Motion passed (6-0).*

**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

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C. Privilege License Request – Renewals

Chief Starrett stated the Council had asked for an update at a previous Council meeting on the amount of fees they were charging. He would like to give an update on the status of Dixie and Willie's Wrecker Service.

After reviewing records of Dixie Wrecker service and Willie's Wrecker Service, we provided them with all the names we had impounded for them. As of this date Willie's Wrecker Service has sent letters to all the names we provided them and actually paid one person back. Dixie Wrecker Service has sent out letters to all the names we provided and hasn't paid anything back but has received some phone calls but no one has claimed any money.

**Privilege License Renewals and Requests for 2009**

**Beer, Wine, and Liquor**

**Package Retail  
Malt Beverages and Wine**

1. Texaco Food Store

**Package Retail  
Malt Beverages and Wine**

1. Quick Pick
2. Austell Food Store
3. Austell Beer and Wine
4. Mountain Express Oil Co.

You have a submitted copy of Mountain Express Oil Co. The people are here tonight to give a presentation of Mountain Express Oil Co. about this particular location which was the old Marathon Station. It is owned by Mr. Kevin Pritchett. They would like to make a small presentation to the Council about their requests for a beer license. This is the Marathon Station that Sam used to operate. We had a lot of problems when it was the Marathon Station and Sam was the owner. Mr. Traylor stated he would like to turn the meeting over to Mr. Kevin Pritchett and the representative from Mountain Express Oil Co.

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Mr. Kevin Pritchett introduced himself and stated he was the representative for Mr. John Melvin Pritchett who was the previous owner of the convenience store. I wanted to express to the Mayor and Council Sam will no longer be affiliated with the store or location. We have a working agreement with him and it has been notarized and signed.

Also, if he try's to fight it we have a dispossession if he doesn't sign it there is a dispossession and he will be completely gone in the next couple of days. Mayor Jerkins asked if Council had any questions. Ms. Boyd asked when Mountain Express Oil Co. would take over. Mr. Pritchett stated there would have to be renovations and maintenance to the building and I am hoping all renovations will be done by February or it could be later. Ms. Boyd also asked if Mountain Express Oil Co. had gone through the same process as everyone else and had they been approved. Mr. Pritchett stated, yes, they have been approved.

**Package Retail**

1. Joe's Bottle Shop
2. Al's Package Store
3. Nana's Liquor (Al's Package Store)

**Consumption on Premises  
Malt Beverages and Wine**

1. Café Hot Wings
2. Nana's Fish-N-Wings

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

1. Sweetwater BBQ
2. Fat Cats Fun and Games
3. The Cigar Pub
4. Margarita's Mexican Cantina

*Mr. Traylor moved to follow the recommendation of the Police Committee to approve all Businesses who serve or sell alcohol to receive their Privilege License for 2009. Seconded by Ms. Reagan. Motion passed (6-0).*

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**Other**

**Title Pawn**

1. Austell Title Pawn
2. Austell Gold & Pawn

*Mr. Traylor moved to follow the recommendation of the Police Committee  
Seconded by Ms. Boyd. Motion  
passed (6-0).*

**Towing Services**

1. Henson's Wrecker Service
2. Willie's Wrecker Service
3. Dixie Wrecker Service

Ms. Boyd stated she would like to separate the three and vote on Henson's and Dixie at one time and to discuss Willie's Wrecker Service before we vote.

*Mr. Traylor moved to follow the recommendation of the Police Committee to approve Henson's Wrecker Service. Seconded by Ms. Reagan. Motion passed (6-0).*

*Mr. Traylor moved to follow the recommendation of the Police Committee to approve Dixie Wrecker Service. Seconded by Ms. Reagan. Motion passed (6-0).*

*Mr. Traylor moved to follow the recommendation of the Police Committee to approve Willie's Wrecker Service. " Seconded by Ms. Boyd for discussion only."*

Ms. Boyd stated she had some concerns about Willie and the property he owns in Austell. The Council discussed your property last January 2008 and we all agreed that he was going to clean up his lot and demolish the house on the property. I believe he had three months or ninety days for completion. We were all excited about it and to my knowledge he hasn't contacted anyone. I asked the Fire Department and the Code Enforcement to please go down and look at the property. We have colored pictures of the property of code violations and the buildings need to be condemned.

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It concerns me that he is asking for a Privilege License when he is not taking care of his property and making the City look bad. I think we have been really lenient with him and I probably we should have had him in court for code violations.

We have tried to work with Willie and I haven't seen any effort out of Willie and it is going to be difficult for me to consider giving Willie a Privilege License to pull cars in the City of Austell. Mayor Jerkins asked if the photographs taken were recent. Ms. Boyd stated they were taken last week. Mayor Jerkins asked who the vehicles belonged to, at the property in question. Willie stated they belonged to Mr. Willie Polston. Mayor Jerkins asked Willie if he was using that property for an impound lot. Willie stated, no sir, he wasn't using it for an impound lot. Willie stated the property has nothing to do with Willie's Wrecker Service. If they pull the deed it is in my name personally and has nothing to do with the wrecker service business. When I came before the council and brought everything before the council if I could do everything in here. It was stated if I could do everything I would have to spend at least a half of a million dollars on that property. Ms. Beverly and Ms. Virginia and I had lunch and discussed all of this about the property. I cannot spend a half of a million dollars on the property and turn around and spend another half of a million on the other property. Ms. Boyd asked Willie if was willing to tear down the buildings and clean the lot up. Willie stated when the council rejected it. If you noticed I have put for sale signs up and I have two people interested in it and one person ready to put a contract on the property. I think you all know Fred at Joe's Bottle Shop and I am trying to get rid of it. I have done everything you have asked me to and if there is anything left I certainly don't know what it is. You can check all my records and calls I have not been late one time with the City of Austell. Not one customer that has been impounded has any complaints about me. They were happier when they left my place than when they got there. Ms. Boyd stated she was sure Willie runs a great business. I feel Willie needs and has to do something with his property and if not, we will put him before the judge. Willie stated the wrecker service and the property is two separate things. Mayor Jerkins asked Willie who the cars belonged to. Willie stated they belonged to him personally. Mayor Jerkins asked Willie what he planned to do with the houses. Willie stated he planned to sell the houses and the property. Mayor Jerkins asked what are you going to do if you don't sell the houses. Willie stated if he could find something to develop there and get it approved.



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Things are so slow right and money is not plentiful right now. It hasn't been plentiful for awhile with us. The one house there is nothing wrong with it except some remodeling. Ms. Boyd asked why can't you cut the grass and the weeds. Willie stated he had cut the grass. Ms. Boyd stated to Willie it was to be cut in the back too.

Ms. Anderson stated there had been a trash can on Austell Avenue at the back of the fence. Willie stated it did not belong to him. I only have one dumpster there and it belongs to Allied. We do not use the place so it doesn't belong to us. Ms. Anderson stated the trash can has been left there for a very long time. Willie stated he had no knowledge of it and it wasn't his. Ms. Boyd asked Willie if it was on his property. Willie stated he didn't know. Ms. Reagan asked if it was on the right-of-way? Ms. Anderson stated it was on Austell Avenue. Ms. Reagan stated it would be on the right-of way. Ms. Boyd asked Mr. Bowens to call BFI and find out who it belongs to.

Ms. Boyd asked Mr. Traylor what he is going to recommend. Mr. Traylor stated, "like Willie stated we have two issues here and the property doesn't have anything to do with getting approved for a privilege license. I thought this is why we are here tonight to approve Privilege Licenses. I think we are totally off base in attacking him on his property issues." Ms. Boyd stated I think we discussed all this on Monday night and you didn't say a word. Mr. Traylor stated again we have two different issues here and you have your ideas and I have mine. Mayor Jerkins asked Willie where his business is located now. Willie stated he's at 4260 Highway 78 right here on Bankhead Highway in Lithia Springs, GA. Ms. Anderson asked how long ago were the people contacted, because I did speak with someone two months ago who was on the original complaint and two months ago had not been contacted by you. Willie stated I think the Chief has all the paperwork and I have done everything you have asked from taking care of these people who were really mad and if you would give me a name I will be glad to follow up. I have done nothing not to get my license back.

*Mr. Traylor moved to follow the recommendation of the Police Committee to approve the Privilege License for Willie's Wrecker Service. Seconded by Ms. Boyd. Motion passed (5-1). Ms. Boyd voted against.*

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Mayor Jerkins stated we will be doing some things about the houses. You need a warning now if you want one. We will be sending you some information. Willie stated he would do whatever necessary that the City of Austell wants. Mr. Traylor stated to Willie to please take the Willie's Wrecker Service sign on the property. Willie stated he would take it down.

Mr. Traylor stated the next item a Request for Permit – Jennifer Holt. Mr. Traylor stated he would at this time turn the meeting over to Chief Starrett. Chief Starrett stated Ms. Jennifer Holt has requested an alcohol pouring permit from Mayor and Council to work at Fat Cats and we had to deny her a permit because of the City of Austell's code. The code is based on criminal history. Chief Starrett stated in December 2002 Ms. Holt was arrested on the following charges: DUI, endangering a child, manufacturing and distributing marijuana, possession of alcohol by a minor. The result of those charges ended in a guilty conviction on DUI and endangering a child. That was six (6) years ago. Since that time we have not found anything further. She has a four year old child and she is asking if the Mayor and Council will waive ten year requirement so she can get a permit to serve alcohol. Ms. Boyd asked how old she was. Chief Starrett stated she was twenty-four (24) years old. Ms. Boyd asked her if she was still on probation. Chief Starrett stated, no she wasn't. Chief Starrett stated Ms. Holt could answer any questions.

Mr. Traylor stated to Ms. Holt she could speak to the Mayor and Council at this time. Ms. Holt stated it had been six years ago and everybody makes mistakes. I haven't driven since then and I haven't had a license since then. In Powder Springs I have a alcohol permit and I've only ever bartended. Before now, then I was nineteen at the time and went through probation, driving alcohol performance school and I've had a four year old since then and this is all I know. In South Carolina I've bartended and I've never had to go through this procedure. I have just gotten my permit to drive and I go Thursday to take my driving test. I am trying to better myself. Mayor Jerkins asked her if she drank alcohol. Mr. Holt stated, no, she did not. My little girl saved my life and I have worked my tail off since then. I want to do this so my little girl is in bed at night while I am working and then I can be with her during the day. Mr. Thomas asked where she had worked. Ms. Holt stated she worked at the Playing Field for six or seven months in Powder Springs. When I bartended in South Carolina you didn't have to have a license on the Casino boats. Mr. Kimbrough asked Ms. Holt why she was getting her license back now.

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Ms. Holt stated because she never got a license before she turned eighteen or nineteen and that's when I got the DUI. I had to go through the court system and they said it was suspended regardless. Mr. Kimbrough asked for how long. Ms. Holt stated it was two and half years. Then I went back to get it and I have been going back and forth with South Carolina and Georgia trying to get them to take me off of the driver's restrictions.

Paying the fine and trying to get off of probation. Mr. Kimbrough asked where she got the DUI. Mr. Holt stated she got it in Georgia in 2002. I have been trying so hard to do better.

*Mr. Traylor moved to follow the recommendation to approve the permit to pour alcohol for Ms. Holt. Seconded by Ms. Reagan. Motion passed (6-0).*

**Bail Bonding Companies**

1. Lee Quick Bail
2. A-24 Bonding Company
3. Hotlanta Bonding Company

*Mr. Traylor moved to follow the recommendation of the Police Committee to approve the Bail Bonding Companies. Seconded by Mr. Thomas. Motion passed (6-0).*

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

- A. Fire Report
- B. New Firefighting Turnout Gear

Mr. Thomas stated as a reminder we submitted a grant request to Local Government Risk Management Services as part of the Georgia Municipal Association's Safety and Liability Grant Program. Our request outlined the need to upgrade our turnout gear for the continued safety of fire personnel. In October, we received a notification that our grant request had been approved for 50% of the total cost up to \$5,000.00. These funds will actually cover almost half of the total cost of the gear. We are hopeful that in 2009, we will be able to duplicate this same grant for the remaining turnout gear needed to upgrade our firefighters. The new proposals are as follows:

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- NAFECO Inc.....\$1,350.00 (set)...TOTAL.....\$12,150.00
- Bennett Fire Products.....\$1,354.43 (set)...TOTAL.....\$12,189.87

With your approval, this purchase would come from the current Fire Department budget line item 54.2500. When the grant funds are received, the Fire budget will be reimbursed.

*Mr. Thomas moved to follow the recommendation of the Fire Committee to approve the NAFECO Inc. as the vendor for the new firefighters gear. Seconded by Ms. Reagan. Motion passed (6-0).*

**11. PUBLIC WORKS DEPARTMENT  
DAVID “BO” TRAYLOR, CHAIRPERSON  
Randy Bowens, Director**

A. Annual Contract for Construction of Sidewalks and Other Street Improvements

Mr. Traylor stated the item we had on the agenda Annual Contract for Construction of Sidewalks and Other Street Improvements.

*Mr. Traylor moved to follow the recommendation of the Public Works Committee to table this item until changes and further information from legal council. Seconded by Mr. Thomas. Motion passed (6-0).*

**12. PARKS DEPARTMENT  
RANDY GREEN, CHAIRPERSON  
Jim Graham, Director**

**Information Only**

A. Purchase of new scag walk behind mower.

Mayor Jerkins has approved the purchase of a new scag walk behind 48” cut mower to replace one that recently had a blown engine. This purchase was budgeted for and the money will come from line item 100/6210 – 54.2500. Vansant’s Lawnmower Sales and Service quoted the low bid of \$3025.00.

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The other bids were as follows:

Funwheels	\$3499.99
Campbell's Equipment	\$3689.99
Howard Brothers Inc.	\$3681.99

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

A. No Report

**14. CITY ATTORNEY – DUPREE & KIMBROUGH**

A. No Report

**15. MAYOR'S REPORT**

A. CMA MEETING	COBB CHAMBER
DATE:	January 13, 2009
TIME:	6:30 P.M.
LOCATION:	Marietta

B. South Cobb Band Donation

Mayor Jerkins stated we need a motion to approve the donation for the South Cobb Band.

*Mr. Traylor moved to follow the recommendation of Mayor Jerkins to approve the donation to South Cobb Band for the Inaugural celebration in Washington, DC. Seconded by Mr. Green. Motion passed (6-0).*

C. Garrett Middle School Truancy Intervention Panel

Mayor Jerkins stated he and the City Clerk, Carolyn Duncan, have been working with the Garrett Middle School Truancy Intervention Panel and trying to help the children and their families. Mayor Jerkins stated with council's approval the City of Austell would like to donate \$5,000.00 to Garrett Middle School Truancy Intervention Panel.

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*Ms. Boyd moved to follow Mayor Jerkins' recommendation to approve the donation of \$5,000.00 to be donated to the Garrett Middle School Truancy Intervention Panel. I would like to add to the motion the \$5,000.00 donated for the Board to make the decision on how the money will be spent. Seconded by Mr. Traylor. Mayor Jerkins stated the money would come from the General Fund. Motion passed (6-0).*

**16. ADJOURN**

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

*Mr. Green moved to follow the recommendation of Mayor Jerkins to adjourn to Executive Session. Seconded by Mr. Thomas. Motion passed (6-0).*