

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, FEBRUARY 5, 2007**

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

Absent: Carolyn Duncan
Jim Graham

The regular meeting of the Mayor and Austell City Council was held on February 5, 2007, at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Sandra Farmer, Assistant Director, General Administration; Randy Bowens, Public Works Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Pastor Bill Shattles of Friendship Baptist Church gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any member of the Council would like to add items to the agenda. None were added. Mayor Jerkins presented Kirby McSwain with a plaque and Mr. Thomas presented a pin for twenty-five years of service. A reception was held previous to the meeting. Mayor Jerkins and Council members thanked Kirby for his dedication and efforts during the past twenty-five years.

2. CONSENT AGENDA – INFORMATION AND UPDATE

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

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$3,668.04
- C. Approve Minutes of Regular Meeting January 8, 2007

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

Mayor Jerkins asked if anyone would like to speak. No one spoke.

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**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated Mr. Kimbrough had briefed everyone on the Gas System and it's doing real well and the prices have been reasonable.

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

A. Financial Report

**8. GENERAL ADMINISTRATION
KIRSTEN ANDERSON, CHAIRPERSON
Carolyn Duncan, Director**

- A. Calendar – Corrected Page for April
Ms. Anderson stated everyone had received a corrected page for the month of April.

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

- A. Police Report
B. Code Enforcement Report
C. Privilege License Request – La Tinaja Mexican Restaurant
Ms. Reagan stated the Police Department has received a request to change the name of the Rio Mexico Restaurant, located at 2856 Veterans Memorial Highway, Austell, to La Tinaja Mexican Restaurant. Also, to approve Salvador Mora as the new owner. A background check has revealed no previous record to deny this request. A copy of the application is attached. The Police Committee requests Council to approve this application request.

*(Currently being processed, and awaiting fingerprints returned as of 01-17-07 Approved.)

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Ms. Reagan moved to follow the recommendation of the Police Committee to approve the request to change the name of the Rio Mexico Restaurant located at 2856 Veterans Memorial Highway, Austell, GA, to La Tinaja Mexican Restaurant. Seconded by Ms. Boyd. Motion passed (6-0).

Chief Starrett stated the MATT meeting would be on February 15, 2007, at the Community Center and thanked Ms. Reagan, Ms. Boyd and Pat Medlin for a job well done this time last year and he knew it would be another success this year.

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

- A. Fire Report
- B. Unsafe Building Abatement Update Browning Property

Mr. Thomas stated at this time he would like to turn the meeting over to City Attorney, Scott Kimbrough. Mr. Kimbrough stated at this time he would open the meeting for a Public Hearing on the Browning property which is currently held in trust for Robin Thomas Browning. On behalf of Ms. Robin Thomas, Mr. James Ausenbaugh will be representing Ms. Thomas for her trust. This issue has been continued from January 8, 2007, council meeting. Mr. Kimbrough stated he would like to introduce Mr. Leo Clifton who is representing the Trustee Sam Thomas as well as Robin Lynn Browning and known as Robin Lynn Thomas.

Mr. Clifton stated he was employed about a week and half ago to help facilitate the rehabilitation or sale of this property. We have obtained a contract for the sale of this property by Mr. Hudson. Mr. Hudson is involved in the rehabilitation of hotels and motels. I have several other copies I have already given to Mr. Kimbrough and Mayor Jerkins. Mayor Jerkins stated this has changed since the first copy you gave me, correct? Mr. Clifton stated, yes, it has changed by ten thousand dollars (\$10,000.00). Mr. Clifton stated they would need approximately forty-five days to resolve this matter. Mr. Charles Ruff is the broker and we will also take backup contracts just in case this one falls through. We would ask the council to please indulge us at this time in order to see if we can facilitate this property by a private investor.

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Mr. Kimbrough stated the intention of this buyer will be to rehabilitate this property. Mr. Clifton stated he would envision the buyer to replace the entire roof structure and gut the inside of the house and rewire the house. He also has had the opportunity to inspect the property in order to sign the contract. Mr. Kimbrough asked if anyone had any questions. Mayor Jerkins stated he had read the documents and noticed the prospective buyer had until February 7, 2007, to decide on the house. Mr. Clifton stated this contract has been changed since then and on condition if he could get the monies for the property. Mayor Jerkins stated he would like to see from the potential buyer in writing after the closing how long it would be before the house would be complete, in other words to give us a timeline on this. Mr. Clifton stated he would express this to the potential buyer to get a timeline. I want to get this done, also, as well as Mr. Perrin. Mayor Jerkins stated he had known Mr. and Mrs. Thomas and what fine people they were and he didn't think they would want this if they were still living. Mr. Clifton stated, again he would express this to the buyer. Mayor Jerkins asked the Council if they had any questions or concerns. Ms. Boyd asked about the time you are asking for would be to secure the lien, and would that time also include the closing? Mr. Clifton stated he anticipated closing in thirty days. Mr. Clifton stated he would like to ask for forty-five days to get everything done. Ms. Boyd stated she did not have any problem with this at all. Mayor Jerkins stated he felt very confident in Mr. Clifton to do this within the timeline. Mr. Green suggested the Mayor and Council come back in thirty days at the next council meeting to get an update. Mayor Jerkins stated the next council meeting would be before thirty days. Mayor Jerkins stated the council needed to vote on this proposal.

Mr. Kimbrough asked Mr. Ausenbaugh if he had any comments. Mr. Ausenbaugh stated his clients are in agreement with the sale and we think this buyer will have every incentive to turn this property around because it is an investment to him. Mayor Jerkins stated he would like to get something from the potential buyer in writing to get a timeline on the property. If he needs a building permit we will do everything we can. Mr. Clifton stated he would discuss with Mr. Charles Ruff, who is the broker in this transaction, and have him in contact with the buyer and express to him what the Mayor and Council are requesting and have something in writing presented.

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Mayor Jerkins agreed, and stated he would like to discuss a date after the closing, a date when the home would be completed. Mr. Clifton stated he knew immediately after closing he would start on the home and try to complete as soon as possible. I think this will satisfy your concerns.

Mr. Kimbrough asked if anyone had any more questions for Mr. Clifton or Mr. Ausenbaugh. No one did. Mr. Kimbrough stated he would like to close the public hearing on the Unsafe Building Abatement Browning property at this time and have a motion made at this time.

Ms. Boyd asked Mr. Kimbrough what would he like the motion to state and she would be glad to make the motion just so she knows how to state it. Mr. Kimbrough stated we are really giving them forty-five days and that would take us to April council meeting. So, we are really continuing this until that time. They need to close on the property and present us with a timetable.

Ms. Boyd moved to follow the recommendation of Mr. Kimbrough to continue the discussion on the Browning property in forty-five (45) days at the April meeting with Mr. Clifton to confer with the Mayor about the closing and timetable of the property. Seconded by Ms. Reagan. Motion passed (6-0).

Mayor Jerkins stated he would like to say if for some reason the deal does not go through Mr. Clifton would keep me notified and try to sell to another buyer.

**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

**BEVERLY JAMES BOYD, CHAIRPERSON
Jim Graham, Director**

A. No Report

14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE:	FEBRUARY 13, 2007
TIME:	7:00 P.M.
LOCATION	MARIETTA BOARD OF EDUCATION

16. ADJOURN

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