

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, MARCH 7, 2011**

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

The regular meeting of the Mayor and the City Council was held on Monday, March 7, 2011 at 7:00 P.M. at the City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; 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 Pastor Malcom Lewis 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. Ms. Causey stated she would like to add 13A. – Bids for Refrigeration Work at Grocery Store. Ms. Reagan stated she would like to add 9C. - Formal Complaint Forms (For Information Only).

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

**2. CONSENT AGENDA – INFORMATION AND UPDATE**

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

**3. CONSENT AGENDA**

- A. Approve Bills
- B. Approve Legal Bills \$2,488.55
- C. Approve Minutes of Regular Council Meeting February 7, 2011

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

**4. EXCEPTION TO CONSENT AGENDA**

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**5. CITIZENS REPORT**

Mr. Mike Otten stated he lives at 1160 Cureton Drive down the street at Cureton Woods. The first thing I would like to say is the Cureton Woods homeowners would like to thank everybody for addressing the issues we have had and bought up last October at the Council meeting in reference to some situations with the developers. In particular of course, Randy and Duane for the actions they have taken to zero in and deal with some of the issues out there. Also, we are here again to ask for your help and guidance with another issue. As I said at the meeting last week at the Threadmill, we as homeowners at Cureton Woods have two relationships with Steve. One is as a customer we bought houses from him and spent fifteen million dollars plus and there are certainly expectations to that or a catch to that we buy a house and you want your house to look good and your neighborhood to look good. In the last couple of years, and the flood didn't help anything, and we are certainly willing to work with those situations and the situations that have affected our neighborhood and also his business and that is not a problem. I think at this point in time we need to drill them and get some of the things done. We expect safety and security from the developers as it applies to both the poured and exposed concrete foundations and exposed water retention pond on Scuppernong Court. We expect ongoing maintenance at the Watson property owned by the developer within the boundaries of the subdivision. We expect D&M Development which is Steve's company to meet code minimally. Then after five years we expect to finish the neighborhood and release as much as we can possibly get including paved streets and that is on the agenda. We are happy about that and we are certainly happy that the city is helping. We would not be here without you without a doubt. The second relationship we have with Steve and the owners and the H.O.A. I was talking with Mr. Standard before the meeting and over the last week there have been several news spots on FOX and ABC about similar situations in the City of Atlanta and again caused by the economy primarily. Developments and subdivisions which are in some state of repair are disrepair and the developer hasn't left yet and just on and on and very similar to our situation. There is little effort taken by the H.O.A. which is controlled by the Developer to enforce regulations to collect money and help to maintain the ongoing physical success of the neighborhood. This is the interest the developer has to make this happen. This situation drags out and drags out and just goes on and on and we are sitting here as owners not able to get information from him. There is an absolute refusal to provide us any information. There is not a denial or a request but a refusal to meet with the owners and a refusal to abide by certain elements of the covenants and we have to as homeowners and he has an obligation to enforce if we don't come through.

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So, with the status of the relationship being poor and was fair at one point but is poor again. Through our group we named H.O.G. the (Home Owners Group) which we organized after the flood and to get to know each other and to be an internal support group for our owners. Through H.O.G. ,Steve at one point agreed to meet on a regular basis with our group in lieu of his refusal to meet with the owners as a group so we took that on at least and moved on it and he did participate with us for two or three meetings and then he stopped and that was the middle of last year and hasn't met with us since. Again, he is refusing to meet with the owners. The only communication we receive as owners is an annual letter in December that asks for money that states to pay your dues and a lot of us do. Moving forward those of us who don't pay are sometimes sent a second letter and that is as far as it goes. Last year with Patricia here and some other owners who are part of the H.O.G. committee we forced Steve to release some information and that kind of startled us at the time. Last year and moving into the year as of now forty-five homes sold and three that Steve has so it would be around forty-two and I am not sure what the three means it comes to dues and things. Two homes were sold in less than two months in Phase II. So that is less than forty or forty-one homes left as of September 13, 2010 which is the last date we have that we have any data from. There were twelve liens filed which we forced Steve to do last year because we were concerned about the funds and the money needed to run our subdivision. He simply wouldn't file them and he didn't want to do it and we found a need to that. So, obviously now we don't want to pay anyone. The bad thing is the pool will close. The owners will not take care of their properties and these are not positive events in a community if you have ever lived in a H.O.A. controlled community. Because of the laws and regulations which we would hope they would enforced and none of us want to be bad guys and we also have owners who are on payment plans and everybody has accepted that. But, also, we need to collect the money and we need to be in control. Right now there is about eight thousand dollars outstanding and that is through December of last year. This is what we think is owed based on the information we received in September. Steve and the development company loaned the H.O.A. forty-seven hundred dollars to finish the pool after the flood. He was meeting with H.O.G. through June pretty much so that money had to be lent to the H.O.A. prior to his no longer meeting with us as a group and he never mentioned that to us and never mentioned loaning money to anybody. Within the covenants there certainly are some indications and some requirements that we as owners and he has as the H.O.A. and as an association to identify money and where it is going and where it comes from and be responsible for it. It appears to be mismanaged and certainly the association has mismanaged.

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What we are concerned with primarily is this we are fast approaching a time where owners don't want to pay anymore. There is nothing we can do or nothing we wish to do. We are faced with taking legal action and one thing we wanted to do today is ask the City of Austell if the City Attorney could review our covenant agreement and give us some guidance. We feel that in here it states the association will revert to the members no later than December 1, 2011. This is acceptable but it is also unacceptable that we don't have financial information to make decisions and participate in our community as owners.

Mayor Jerkins stated he didn't see any problem reviewing it as long as you understand the agreement was between him and the homeowners because evidently you signed at closing. The only thing we can do ourselves would be to put pressure on him and not let him have a building permit until he gets some of it resolved. This would be the only legal thing we could do because he is not doing what he should have done in the beginning.

Mr. Otten stated he and his wife have researched the Georgia Homeowners Association and we have seen the press stories over the last week on other Homeowners Associations and it just seems to me it would be in the city's best interest because of taxation. Mayor Jerkins stated, yes it is but I don't know if we have a legal stand or not and maybe Mr. Kimbrough can answer that better than I can but I don't think we can legally do anything because we didn't have that in the covenants put in by him. We do not have anything to cover that part so I think that will leave us out if I am not mistaken. Mr. Kimbrough stated, yes, that would definitely leave out as far as any confrontation or any action between the owner and Mr. Womack at this point. Mr. Kimbrough stated he would take the covenants and review them to see if there is any conflict or giving advice because we not a party to that. My job here is to advise the Mayor and Council on any legal issues. We certainly would not want there to be any conflict for me doing that. I will take that subject to me verifying it would be appropriate to use the City Attorney. Mr. Otten stated we are not trying to be awful or terrible. Mayor Jerkins stated I understand and we will help you any way we can but so you understand the agreement was not with the City of Austell so it is hard for us to get involved. It is the best interest for the City of Austell to see that is carried out. I think you will have to file some kind of law suit against him. Mr. Otten stated we have looked at that and that is still in the process. Dianne has suggested we look at this tonight to see if there is any recourse with the City Attorney. Mayor Jerkins stated Mr. Kimbrough can look at and we will get back with you on it. Mr. Otten thanked the Mayor and Council.

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Someone in the audience from Cureton Woods subdivision asked if the City Attorney could look at the clause in the contract stating it reverts after the deadline approaching December 1, 2011 back to the residents. Steve stated at the meeting on Tuesday if we think it will revert back to us we are sadly mistaken. Mayor Jerkins asked if we had a contact number. Mr. Kimbrough stated yes, we have Mr. Otten's number. Ms. Anderson asked Mr. Kimbrough if the financials should be considered open records. Mr. Kimbrough stated it is not a governmental entity so it would not be subject to open records act. This is considered a privately owned association that was instituted and made part of this subdivision through all the agreements that took place between Mr. Waldrop and the City Council when he came before us and I don't know if the three of you were here at that time. The City's agreement and involvement in Cureton Woods was he would agree to do x, y and z and if he is not doing x, y and z then the City could take action on that but anything between Mr. Waldrop and the residents under these covenants we don't have a dog in that fight. Mr. Green asked if they the residents would have a legal right. Mr. Kimbrough stated, yes, they would have legal rights and I would certainly encourage them to seek out homeowner's attorney to pursue this. Mr. Kimbrough stated he would be able to direct you better after I make sure there is no conflict with me looking at this and that would be my simple answer to speak with a homeowner's attorney to find out exactly what your legal rights would be as a group to either enforce these provisions in the covenant or get them throw out or whatever it is you wish to do. Mr. Standard asked when we give permits to builders for subdivisions do we stipulate they have to have an H.O.A. Mr. Graham stated not necessarily this one stated a H.O.A. but it didn't say we would govern it. The only thing we can do is not issue building permits until the road gets resurfaced and everything gets cleaned up. We cannot get into the private contract between the builder and the homeowners. Mr. Standard asked if the City could put a moratorium for two years to say certain levels of commitment are met or at the end of two years we stop all the building permits. So, that in the future we will not have this problem to linger in the future for years and years. I am talking about moving forward and it may take years and years for new builders to come into the city but so we don't have this problem again. Mr. Green stated we don't have that many subdivisions to worry about right now. Mr. Standard stated, yes, I know that but now we know the problem exists or can exists we can step forward and address the issue now and we will not forget about it three years from now. Mr. Graham stated we can implement the stipulations and if they want the zoning they go by. It would have to be in the agreement they sign to agree with our terms. Mayor Jerkins stated normally what happens they can do Phase I, Phase II and Phase III and I guess this is in Phase II.

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Mr. Otten stated it is Phase I and Phase II still has lots undeveloped and under water. The foundations are there with nothing on them. Also, we have empty lots which are unkempt. Steve made a statement at the last H.O.G. meeting he had no intention of building out Phase I. Mr. Newsome stated he owned one of the houses in the subdivision and you may have answered my question. The infrastructure and the road paving and the retention ponds this would be something the City of Austell can force them to complete. Mayor Jerkins stated well, if he doesn't bankrupt and you have to consider that. We have never had that happen before but if the bank takes it over we would make them do something or the lots wouldn't be usable. So, whoever takes it over and if that were to happen they would want to finish building it out and get some money out of it before we issued anymore permits. Mr. Otten asked if there was a bond. Mayor Jerkins stated no, he didn't think so on that because we started bringing that up. Mr. Graham stated Steve had stated he would have that resurfaced by April 30, 2011. Mr. Bowens stated, yes, it was April 30, 2011 no later than. Mr. Graham stated it was on Phase I. Mr. Bowens stated if he does go into foreclosure the bank would take possession of the property they would be required to honor the actual agreement on the first and second phase. It would be maintaining all the erosion, retention ponds, and everything of that nature if they want to continue to build that out if they sold it they would have to give us notice if they are transferring that responsibility to whoever would be buying the property. Mr. Otten asked at that point would the H.O.G. revert to the owners. Mayor Jerkins stated he was sure it would be the way it would happen. I don't know that anyone else would want to handle it beside the H.O.G. I think whoever ended up with it would be glad to hand it over to you.

Ms. Patricia Myer stated her name and stated she lives at 1100 Cureton Drive. I just want to say all the owners have paid about three hundred thousand dollars for our homes and right now they are about worth half of that now. We are so committed to stay here and paying our taxes and doing what we need to do. Mayor Jerkins stated we will work close with you as much as we possibly can and help you. It is not just your subdivision it is everywhere. The homes have come down and they have revaluated my taxes as well as everyone else. Ms. Myer stated she advised her husband to buy in Austell because of the location and how promising Austell was and then everything happened. I realize there is nothing I can do now but it still has a lot of potential. Mr. Otten stated we don't want it to go into any further disrepair. We just want to go forward with it. This is why I keep coming back for your help. Mayor Jerkins stated, again, we definitely want to help because it is a nice subdivision. Mr. Standard thanked the owners who were present for not giving up. Mr. Otten stated they would not stop.

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Ms. Turner stated her name and stated she had three questions and a very positive comment. Ms. Turner stated the park is really looking good and I am really pleased. We walk down there every morning as some of you have noticed. My question is I hope it was a controlled burn that took the dead grass on the two ball fields last week. Mayor Jerkins stated I am sure it was. I wasn't involved in it but I am sure it was controlled. Ms. Turner stated question two are the gates supposed to be locked every night? If so, they were not locked on Friday. Mr. Graham stated he goes by every evening to make sure they are locked. They are supposed to be locked until we say the Park is opened. Ms. Turner asked if she should lock them on Saturday morning when I go walking. Mr. Graham stated to Ms. Turner he would be happy for her to lock them. Mr. Graham stated before I lock them back up I make sure all vehicles are out of there. Mayor Jerkins stated to make sure they are not working there on Saturday. Mr. Graham stated a lot of the subs have the combination to get in and out. The ones working on the pavilion may not have the combination to get in and out. For example, the other night I came to pre-agenda and on the way back there were two or three people playing on the playground. I let them play until seven o'clock and I told them they had to leave. The sign says closed and the playground is safe now and as long as they are not in the construction area it's o.k. If you see it open and you are sure no one is in there you are welcome to lock it for me. Ms. Turner stated the third question some of the ball fields have their bleachers and some don't and some have fencing and none of the fields are completely fenced. Mayor Jerkins stated we are not finished yet and they still have some more fences to put up. Mr. Graham stated we are working as hard as we can. Ms. Turner stated it seems to be work is started here and then stopped and started somewhere else. I really like the white framework on the building down where the basketball court used to be. Mr. Graham stated they put the roof on it today. Mr. Graham stated you need to check at the end of everyday and there is a reason why the bleachers are not placed. There is a reason why the fences are not up. We held up the fencing guy so we could get certain things done because once the fence is up it will handicap us to get certain things accomplished. He said in three weeks he would be finished. Ms. Turner stated there doesn't seem to be many dead roses where there is no light and I am always amazed at the pansies because they come back so easily and quickly from the snow and the cold. I am really pleased and I know my dog is pleased.

**6. GAS SYSTEM REPRESENTATIVE**

**JOE JERKINS**

Mr. Kimbrough stated he attended the meeting and the regular business of adopting the gas rate schedule applicable for this billing period.

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As we discussed last week dismantling the propane tanks at the gas company and this will end with a controlled burn and flaring of the tanks to burn off all of the fuel and I am not sure if we have an exact date as of yet. Mayor Jerkins stated they still haven't moved all the gas as of today.

**7. FINANCE DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON**

**Denise Soesbee, Director**

- A. Financial Report
- B. 2010 City of Austell CAFR

Mr. Doug Moses with Mauldin & Jenkins gave an overview of the 2010 Comprehensive Annual Financial Report. (Please see attached:)

**8. GENERAL ADMINISTRATION**

**KIRSTEN ANDERSON, CHAIRPERSON**

- A. No Report

**9. POLICE DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON**

**Bob Starrett, Police Chief**

- A. Police Report
- B. Code Enforcement Report

Ms. Causey asked if the Code Enforcers can go to Community Affairs and let Pat Medlin or Kathy Tullius explain to them about the temporary signs, banners and as to what and like on page seven on the general store they say they have a permit for a temporary sign. From what I understand easels, banners, cannot be a permanent sign. Maybe they can understand from Pat Medlin and Kathy as to what is legal as far as a permanent sign. Chief Starrett asked Mr. Graham if he remembered the conversation about the stickers to put on the signs to tell us if the sign is legal. Is this something we could implement? Mr. Graham stated we are doing this now but we only give them one sticker.



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Ms. Causey stated they do give them a sticker and it gives the date and they can only get one temporary sign. Ms. Causey asked Mr. Graham if it was one every six months. Mr. Graham stated twice a year. Ms. Causey stated and it is only good for sixty days. Ms. Causey stated like the Margarita's sign is it illegal. The General Store has an illegal sign which says three dollar paint unless they apply for a permit to be able to keep that sign for sixty days and after sixty days it would have to be moved. Chief Starrett stated if they have a sticker on their sign then we could go out and check it. Ms. Causey asked Mr. Graham but they can only have one sticker, right Jim. Mr. Graham stated, yes, as far as I know. Mr. Green stated he spoke with the owner at the General Store and he was under the impression he paid forty dollars for that sign permit. Mr. Graham stated at the time he didn't have the a-frame there. When you apply for a sign permit you have to list your sign. He never permitted again. Mr. Green stated he thinks he did. That was the statement he made to me. Mr. Graham stated he should not have ever permitted a temporary sign. It's not on the face of the building or the window or whatever it's not a permanent sign. Mr. Green and Ms. Reagan agreed to take back to committee and discuss it. Ms. Reagan stated we discussed this and we feel like the way the economy is right now we should be lenient about some of this. Mr. Graham stated if that's what you want we will do it. Ms. Reagan stated you say clean up the City. Mr. Graham stated in his case he has all these little window signs and I don't mind if he just labeled it and put it on the window and of course have it professionally done where it will stand up. On the sidewalk and sometimes its standing and sometimes it's blown over. Mr. Green stated I will say one thing since we have been discussing this entire sign ordinance and I have looked at a lot of businesses and I could take our ordinances and write ordinance violations from here to Alabama and back. Mr. Graham stated that's true you could do that. Mr. Green stated all your major businesses like your Home Depot, Lowes and places like that they use a lot of banners and they fill the whole front of the store with stock outside and that's why they are productive and successful. Why should we take this away from people in the City of Austell. Ms. Causey stated that one really looks bad sitting out on the sidewalk. Ms. Reagan stated she was at Kennesaw yesterday and I took this picture right on main street downtown and look how pretty it looks. Mr. Green stated its people trying to make a living and not to violate an ordinance. Ms. Reagan stated we don't have retail like Kennesaw but look how it has grown. Mr. Green stated we need to make a picture of the ones in Powder Springs too.

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Mr. Green stated he has had people outside the city talking to him about how strict these ordinances are. It's starting to become a joke. Ms. Causey stated why do we even have a code book. Ms. Reagan stated that's why we need to get together and talk about this because we didn't write this code book. Mr. Green stated we have a code book but we need to keep people from getting irate and not walk away. Mr. Green stated the Police write tickets for speeding but this is not speeding its people trying to make a living. Ms. Causey stated if you look at FABOU they took down a couple of their signs and their business looks much better and I think it's an improvement to City. Ms. Reagan stated we are a manufacturing city and we have two new businesses coming into the city. One is the recycling business and the pie place and it's not like East Point. Ms. Anderson stated she lives right next to FABOU right up the street and I had much rather have a few signs out there and people in there because that building was vacant for a very long time than to have a vacant building. It's a big building and now there is a sidewalk there with people walking up and down and who knows what would be going on if that business wasn't there. Mr. Green stated all I am asking is to give these businesses a chance like Home Depot, Lowe's, Sears and any of them that you see out there to put their products out to be sold. This is supposed to be a business district. Ms. Causey stated the only thing we were questioning was trying to improve the looks and the complaints we have received on how bad our downtown looks. Mr. Green asked who are the people complaining. So far there has not been one person to come in and stand up for you. Ms. Causey stated we need to have a town hall meeting and I guarantee you they would come. Mr. Green stated we honor complaints when we have names and you talk about the people that have complained but we haven't seen any names. Ms. Causey stated she didn't feel she could put their names on paper. Mr. Green stated then we can't honor that complaint and we corrected that a long time ago because we had problems with it. Mr. Thomas suggested a town hall meeting and Mr. Green stated I suggested that a long time ago. Mayor Jerkins stated to the Council please speak one at a time because it is very difficult to record the minutes when there is more than one person talking. Ms. Causey asked if anyone had any idea when would be a good time to have a town hall meeting. Mr. Green asked Mayor Jerkins what he thought. Mayor Jerkins stated it was the Council's decision. Mr. Green stated he thought we needed to have strong publicity so we can have everybody there. Ms. Causey stated it could be put on the water bills. Mr. Green stated I think we need to legally advertise for this meeting.

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Mr. Kimbrough stated no, I don't believe you do for a town hall meeting. Because you have Congressman and Congress women who come in from Washington all the time and they just get the word out there will be a town hall meeting at some location. You can use water bills and some form of public notice as well the flashing Police signs. Mr. Green stated the reason I said that is because it is an ordinance and I thought there might be some legality we have to do. Mr. Kimbrough stated he didn't think that would be an official Council meeting that would need to be advertised. Mayor Jerkins stated to have a town hall meeting you would have to advertise in some form. I don't know if that will solve the problem I think you need to try and work out something together here to satisfy both sides. You get fifteen people saying one thing at a town hall meeting and then fifteen saying something else so what have you gained. You will still be arguing about the same thing. You have not accomplished anything. I don't care if you have a town hall meeting but I think you will find out you will have so many that want to have something done and so many that don't. I think you need to come to some kind of agreement between yourselves to make things work smoother and do a better job and try to accomplish some things. I think Ms. Causey is right they do want the city to look good and so do I but you can't put people out of business because you want it to look good. Like, Ms. Anderson stated you will have empty buildings. We need to try and work it out to where we can agree on something. Ms. Causey stated if we are charging a fee than we would be losing the fees on the temporary signs. Mayor Jerkins stated he thought we could work some of the sign stuff out with the owners and what would work for him and still make it look good. What you want to do is make it look good and not put him out of business. Mr. Green thinks you are trying to put him out of business because the sign doesn't look good. There are ways of making things work and I think we need to work together on this and accomplish some things. Mr. Thomas stated Ms. Causey had made a recommendation meeting before last that we should work the merchants and come up with a compromise. Mayor Jerkins stated yes, we can do that and Mr. Graham just said that he could probably paint it on his windows and we need to work with him and try to come up with a solution. Mr. Green stated the reason he wanted the sign is because nobody sees that building driving down the road but they will notice the sign. As far as running me out of business I have already told you that if you don't want my business in the City of Austell I can find another city that will appreciate my business. Mayor Jerkins stated to Mr. Green that no one wanted him out of business.

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Mr. Graham stated we need the owners to cooperate with us as well. We told him he could not have a temporary sign stuck out front. We will change the book any way you want it. Whatever the majority of you want we will change it. We are not trying to enforce something and just make it up as we go. Mr. Green stated he understood but a lot of this is fooling with people's advertisement they use and the bad thing about is when you approach them with the violation to correct it they will tug that rope just as hard as you do. So, like you said you have to work with them calmly. Mr. Graham stated I personally have never gone out to any business and been hardnosed with them because that will not work. That's why we have the ordinance but if you will not listen then why enforce it. Mr. Green stated ordinances are not made to follow to the T. To go from one end of the business district to another and every neighborhood and if you do that you would be applying an ordinance just like a speeding ticket. Mr. Graham stated ordinances are laws. Mr. Green stated yes, they are. Should we enforce every one of them to a T.? I bet there are a lot of ordinances in these other cities but they leave them alone because people are trying to make a living and they are not trying to break an ordinance. Mr. Graham stated the picture Ms. Reagan was showing of Kennesaw I am sure their ordinances are not being followed and Acworth are very strict on their ordinances and so is Powder Springs but we are not as strict. I am not saying that Code Enforcement is perfect or that our city will ever be perfect we just trying to get everybody on the same page and we try to work with people. It has been my experience you can get some people to work with you and then are some that just will not. So, you have to have something or some kind of rules so they will work with you. If a guy keeps speeding you can't just keep giving him a warning ticket. Mr. Green stated I know that Mr. Graham but I see all these businesses that have five, six or eight banners on them that are big businesses that bring in a lot of revenue and they say nothing to them. Then you take a little man that wants to put out one or two banners and tell him no you have to get rid of them it just seems wrong. He will never make it to the point of those big businesses. Mr. Standard stated so is there a direct correlation between the number of banners and the income you make. Mr. Green stated Home Depot makes more money than we do and Home Depot has a lot of banners. Mr. Graham stated he would call Cobb County to see what they allow Home Depot and Lowe's since you mentioned those two. Mr. Green stated maybe they give them permission to change banners at will. Mr. Thomas stated we need to let Mr. Graham do a little research on this and get back with us on this. Mr. Graham stated he didn't wish to get hard on anyone.

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Mr. Thomas stated to Mr. Graham he could check with Powder Springs and the other cities and get back with us. Ms. Causey stated she had checked with them. My main concern is to keep the city from having a lawsuit. Pedros down on Veterans Memorial Highway it looked really bad and I received a lot of complaints but if we enforce one, we need to enforce all of them. It's not right if we don't enforce all of them. Mr. Green stated if you enforce all of them you will lose a lot of business. Ms. Causey stated she really didn't think so. Mr. Standard asked if Pedros went out of business. Ms. Causey stated, no, they did not. Ms. Turner asked what about the new repair facility opposite the Shell Station. How many violations should that one have? Mayor Jerkins stated we have everyone talking at the same time again and it does make difficult to take the minutes.

**C. Complaint Form – Information Only**

Ms. Reagan stated this is Formal Complaint Form Procedures (For Information Only).

1. Any form not signed by the complainant will not be acted upon.
2. Any form signed anonymous will not be acted upon.
3. All forms to be filed at City Hall not the Police Department.  
(The proper procedure is to file your report at City Hall; a copy will be presented to Council so they can review it. If there are questions as to how it was resolved we can address them then.)
4. No complaint will be accepted by e-mail or telephone.

Ms. Reagan asked Mayor Jerkins when this was originally voted on. Mayor Jerkins stated in 1993.

Mr. Standard stated on our city website we need to take off where it says under Code Enforcement to file a complaint. Mr. Demeritt asked Mr. Standard if he would like the form on the website. Mr. Standard stated, yes, that would be great. Mr. Demeritt asked Ms. Reagan for the form to be e-mailed to him and Ms. Duncan stated she would e-mail it to Mr. Demeritt.

Mayor Jerkins stated there was a reason for the Complaint Form we had two neighbors in Austell and one would do something to make the other one mad and they would call up here and turn them in and say don't mention my name. They insisted we do something to the neighbor. Then it got to the point we were out there all the time because someone was mad.

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So we had to pass the Complaint Form for anyone who had a complaint. Ms. Causey asked Mayor Jerkins if the Council couldn't write them anymore. Mayor Jerkins stated of course you can write them and sign them. Ms. Causey stated she had always signed her name. Mr. Standard asked if we could download the formal complaint to make it convenient for the residents.

**10. FIRE DEPARTMENT**

**SCOTT THOMAS, CHAIRPERSON**

**Tim Williams, Fire Chief**

- A. Fire Report
- B. Unsafe Abatement Update

Mr. Thomas stated he would turn this over to Chief Williams. Chief Williams stated the 5706 Mulberry Street owned by Charles Mark Perry, was issued a second citation and to be heard on March 31, 2011.

The Pine Street property has been sold to Mr. Brett M. Brown and he lives at a Veterans Memorial address. It is our understanding he is currently in Iraq. I do have a cell phone number and I have attempted to reach him but so far unsuccessfully. I went down today to view the property and there is another For Sale sign on the property with two other phone numbers and tried both of them and was unable to speak with anyone and I left a voicemail. I will keep you updated on this when I have any information. Mr. Bowens informed me of an easement issue and they did a little bit of work off the side of the property on the drainage ditch. Mayor Jerkins stated Mr. Brown would return in April from Iraq. Ms. Duncan stated she received the information from Kent Sheldon. Chief Williams asked Ms. Duncan if he was in Iraq privately or military. Ms. Duncan stated he is military and he gave the cell phone number which I gave to the Mayor. Mayor Jerkins stated then I gave it to Chief Williams and it is my understanding he will be back in April. Mr. Thomas asked if he is in the military will we have to hold off until he returns. Mayor Jerkins stated yes, we will have to wait till he returns home. Chief Williams stated he will keep calling the other two phone numbers and maybe they will have some information. They are different numbers than I have for him. Mr. Thomas stated let's take no action against him until he returns. Chief Williams agreed. Mr. Standard stated Mr. Thomas had sent him a House Bill 54 that is kind of addressing property that is being abandoned.

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If it has been two months the City could fine them one hundred dollars a month until they register abandoned property or neglected property. You have to register it with the city every month and if you fail to register it could be a hundred dollar fine and that is the maximum and the bill has been passed as of yet. This would give us a way to contact who owns the property.

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

- A. No Report

**12. PARKS DEPARTMENT  
RANDY GREEN, CHAIRPERSON  
Randy Bowens, Director**

- A. No Report

**13. COMMUNITY DEVELOPMENT DEPARTMENT  
TRUDIE CAUSEY, CHAIRPERSON  
Jim Graham, Director**

- A. Bids for Refrigeration and HVAC work at the Spring Street Grocery Store Building  
Ms. Causey stated the Community Affairs Department received the following bids for refrigeration and HVAC work at the Spring Street grocery store building:

Southern Service & Refrigeration ...	\$35,122.00
G.A.R. Inc. Heating & Cooling ...	\$29,250.00

*Ms. Causey moved to follow the recommendation of the Community Affairs Department to approve the low bid made by G.A. R. Inc. Heating & Cooling. Seconded by Ms. Anderson. Motion passed (6-0).*

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

A. No Report

**15. MAYOR'S REPORT**

A. CMA MEETING	MARCH 8, 2011
TIME:	6:30 P.M.
LOCATION:	COBB CHAMBER

Mayor Jerkins asked Ms. Duncan if everyone had told her they would be attending. Ms. Duncan stated no, sir I need a headcount. Mayor Jerkins stated he would attend. He stated it starts at 6:30 P.M. and it will take thirty minutes to get there. Ms. Duncan stated Wallace BBQ will be catering and they will deliver and get everything setup. Ms. Reagan asked why they are having the meetings at the Chamber. Mr. Standard stated the committees which are four of us have decided to cut it back to four meetings per year instead of six. Mayor Jerkins stated it was twelve up to last year then they changed it. Mr. Standard stated mainly to cut down on the meetings and have it at a centralized place so people will not have to drive across the county. Each city is sponsoring one of the four and Kennesaw and Smyrna will be sponsoring the Christmas party. So everyone gets a spot at sponsoring it just one time. Also, I misspoke we do have a committee meeting on Wednesday, March 16, 2011 at 2:30 P.M. at the Threadmill.

Ms. Reagan stated she would like to say something about the committee meeting. The last one we had was on the last Wednesday of the month. Our regular scheduled committee meetings are scheduled to be held on the second Wednesday of each month starting at 2:30 P.M. It is in the 2011 Calendar. I was not sure if we were breaking the sunshine law. Mayor Jerkins stated no we were not. The last meeting was the second one of the first meeting because we didn't finish that meeting. Mr. Thomas asked Mayor Jerkins if he was taking riders to the CMA meeting. Mayor Jerkins stated, yes, he was. Mr. Standard stated he was leaving at 5:45 P.M. if anyone wants to ride with me.

**16. ADJOURN**

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