

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, MAY 4, 2009**

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

Absent: Scott Thomas

The regular meeting of the Mayor and Austell City Council was held on Monday, May 4, 2009 at 7:00 P.M. at City Hall.

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

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Scott Kimbrough gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any Council Member would like to add items to the Agenda. Ms. Reagan stated she would like to add 13A. – Spring Street House HVAC System.

Mr. Green moved to follow the recommendation of Mayor Jerkins to add items to the agenda. Seconded by Mr. Traylor. Motion passed (5-0).

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 \$2,337.50
- C. Approve Minutes of Regular Minutes April 6, 2009

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Allison Segars stated she would like permission for a work permit to sell and serve alcohol at the Sweetwater Inn as a waitress.

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“She said, the only thing I have is a past DUI on my record. I am a single mother forced into this situation trying to raise my children. “Mayor Jerkins stated to Ms. Segars that the City Attorney has your records and you have to give us permission for the Council to hear your record. Do you agree? Ms. Segars agreed. Mr. Kimbrough stated he has Ms. Segar’s records. The only conviction that has occurred is the DUI she mentioned. There was an arrest for simple battery on August 4, 2004 and that charge was not prosecuted. There was an arrest for the DUI that she mentioned a moment ago. Ms. Boyd asked what the date was. Mr. Kimbrough stated it was March 31, 2006 in the City of Hiram. There was a plea of guilty entered on May 15, 2006. There was another arrest for simple battery which was in Cobb County and that was Nol Pros, which means it was dismissed on January 8, 2008 and the arrest occurred on October 31, 2006. Ms. Boyd stated the time difference is certainly spread apart. Mr. Kimbrough stated this is not uncommon for it to linger that long in the court system. There was a failure to appear warrant which was probably taken care of by her disappearing and getting that warrant lifted. I don’t know what the purpose of that warrant was it was on September 30, 2007 and I imagine it was for the simple battery arrest on October 31, 2006 and then several months after that failure to appear warrant was issued in September 2007 that case was dismissed in January of 2008. All the charges have been dismissed except the DUI which she mentioned. Mayor Jerkins asked Ms. Segars if she still drank. Ms. Segars stated no, she did not. Mayor Jerkins asked Ms. Segars what was her age. Ms. Segars stated she was twenty-nine (29) years old. Ms. Segars stated she would like to say just for the record the simple battery charge was from my husband. He had an affair with my younger sister. When the topic would be discussed it would get very heated and one thing led to another and then the cops come out and you get taken to jail anytime there are children in the home. That is something he was just arrested for and violation of probation a little over a month ago. This has forced me into raising my kids by myself. I was employed at Waffle House for about a year and being arrested it’s hard for me to find anyone to watch my children because of the shift I was working. My neighbor who is willing to watch my children so I can work at night. Mayor Jerkins asked Ms. Segars if she was still with her husband. Ms. Segars stated no, she wasn’t with him because he was incarcerated. He’s looking at two and one half years. Mayor Jerkins asked if anyone had any questions. Ms. Boyd asked Ms. Segars how many children she had. Ms. Segars stated she had three, ages seven, nine, and eleven. Ms. Boyd asked Mr. Kimbrough if there were any priors before 2006. Mr. Kimbrough stated no, priors and no convictions. Ms. Boyd asked it does go back ten years. Mr. Kimbrough stated, yes, it did. Mr. Kimbrough stated yes, and the simple battery charges.

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Ms. Boyd stated she know it was domestic and she probably would have done the same thing. Ms. Segars stated it was her fifteen year old sister and her husband was almost twenty-one at the time this happened. Ms. Segars stated she had tried to resolve this situation but every time I turn around he is incarcerated and I am trying to survive with three kids. It's tough. Mayor Jerkins stated the main the reason we try to check everyone's background is because we have had a lot of trouble with waitresses selling to minors and we have had a lot of problems with this. If you do get approval from Council you will really have to be careful.

Mr. Traylor stated originally the Committee had decided to deny her work permit. We then agreed to let her come tonight and to speak to the Council. We would be receptive to any comments the Council may have. Ms. Segars stated even if she had to be put on a trial basis that would be fine, whatever it takes. I haven't applied for any government assistance because I want to do this on my own and provide for my kids. Mr. Traylor stated we need a motion from the Council to approve or deny.

Ms. Boyd stated she was usually the one to vote no, and I have voted against anyone who wanted a permit who has had something in their background. As Council knows I have stood firm on this, but tonight I have a different feeling. I feel she is sincere and I feel like we ought to give a person a chance for a hand up and not a hand out. I feel like she is trying to help and I am going against my principles and what I have voted on before.

Ms. Boyd moved to follow the Police Committee to approve the work permit for Allison Segars for six months and come back and be reviewed again for an extension of six months and if there is nothing on your record we will renew again. Seconded by Ms. Reagan. Mr. Kimbrough stated she will be up for renewal in January. Ms. Boyd stated we will give a permit till January and then we will check her at that point. Motion passed (5-0).

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mayor Jerkins stated as Mr. Kimbrough mentioned last week the gas prices have come down nine months in a row.

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

- A. Financial Report
- B. 2009-2010 Preliminary Budget

Ms. Boyd stated this will be the first reading of the budget. At this time I will turn over the first reading of the budget to Mr. Kimbrough. Mr. Kimbrough stated at this time we will call for a public hearing for the preliminary first reading of the fiscal year 2009-2010 budget. The advertisements have been run in the Marietta Daily Journal as required. At this time I would like to turn this public hearing over to Ms. Boyd for the first reading of the preliminary budget.

Ms. Boyd stated to each council member has a copy of the 2009-10 Preliminary Budget for your review. This document will be presented to Council for vote at the June 1, 2009 Council Meeting. The City's operating budget decreased from \$11,520,351 to \$11,354,572 which is a difference of \$167,779.00 over last year. This change in budget proposals includes but is not limited to the following:

1. There is no cost of living increase for existing employees in this budget proposal.
2. We have included a 19.1% increase in employee healthcare premiums. This will cost the City approximately \$139,000 city wide.
3. Debt service has decreased by approximately \$202,000. This decrease is the result of the Water/Sewer bonds being paid off. Also included are the installment payments for vehicles purchased in FY2008 for Police, Fire, and Public Works.
4. We have included amounts required to be transferred from the General Fund for excess Threadmill Complex expenditures of \$224,310 along with the amounts required to be transferred from the General fund for excess E-911 expenditures of \$378,122.00.

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5. Our 2009-10 liability insurance estimates from GMA have been reduced by approximately \$43,000.00
6. This 2009-10 budget proposal includes four new funds. The first is the Grant Fund (250) which includes the City's CDBG funds for playground equipment and fire purchases. The second fund is a SPLOST fund for Douglas County. These funds are restricted for park improvement projects. The third fund is Stormwater Management Fund (510) which was separated from the water fund into a fund of its own. And finally the Solid Waste Management Fund (540) which was also separated from the General Fund into a fund of its own. These were changes that were required by our Auditors and to keep us in compliance with the State.

Please review the attached 2009-10 Fiscal Budget. The Finance Committee will be available for questions regarding the 2009-10 budgets when requested. You will find on the table with the yellow cover this is the revised from last Monday night at pre-agenda meeting. Ms. Boyd reviewed the General Fund Revenue by Source. Ms. Boyd asked if anyone had any questions. No questions were asked. Mr. Kimbrough stated he would close the public hearing for the 2009-10 Preliminary Budget.

**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
- C. Privilege License Request – Marathon Food Mart

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Mr. Traylor stated the Police Department has received an application from Marathon Food Mart, located at 5184 Austell Road for a license to sell Package Retail: Malt Beverages and Wine. The applicant Shamsuddin Nassar shows no previous criminal history. A copy of the application is attached. The Police Committee recommends that Council approve this request.

Mayor Jerkins asked if the applicant was present. Mr. Traylor stated yes, he was. Mayor Jerkins stated to Mr. Nassar we have had a lot of problems with this location as you may be aware. Mr. Nassar stated, yes he was aware of this. Mayor Jerkins stated we are going to be very strict with this location. Mayor Jerkins stated we will be there at your location to buy three to four times per year so just be careful because if we catch you selling to a minor you may not get another license. Mayor Jerkins asked if anyone had any questions. Ms. Boyd asked if this location was on probation. Mayor Jerkins stated, no, the other owner did not renew.

Mr. Traylor moved to follow the recommendation of the Police Committee to approve the Privilege License Request. Seconded by Ms. Reagan. Motion passed (5-0).

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

- A. Fire Report
- B. Purchase of Self Contained Breathing Apparatus (Information Only)
Mayor Jerkins stated Mr. Thomas is absent tonight so I will speak for him. Our department has purchased two (2) ISI Self Contained Breathing Apparatus (SCBA) from Dawson and Associates for the amount of \$2,000.00. The two SCBA units are demonstrators that are identical to all our current units.

They were offered to us for at a fraction of the cost of a new unit (retail cost of \$6,500 each). The SCBA units are in like new condition. The purchase was taken from the current fire department budget line item 54.2500.

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C. Unsafe Building Abatement Hearing/Scott E. Miller Property

Mayor Jerkins stated at this time we will have a public hearing on the Unsafe Building Abatement Hearing/Scott E. Miller Property. Mr. Kimbrough stated he would call for a public hearing in the matter of the Unsafe Building Abatement Hearing/Scott E. Miller Property. The property is located at 6016 Pine Street, Austell, GA. Who will be speaking on behalf of the city? Chief Williams stated he would be speaking on behalf of the City and Mr. Miller stated he would be speaking as the property owner. Mr. Kimbrough swore in Chief Williams and Mr. Miller. Mr. Kimbrough stated to Chief Williams and Mr. Miller they each had fifteen minutes to speak.

Chief Williams stated to the Mayor and Council and citizens. "In March of this year Assistant Chief Pat Maxwell and I went to this location at 6016 Pine Street. We had noticed this property was in a dilapidated state and went to this property and inspected this property from the exterior only. Numerous conditions were found to be unsafe for the property at the time under the Austell Abatement Code. The property is dilapidated. There is some porch damage to the property as well as some siding damage. There is also an open well or sewage opening and is large enough for an animal or a small child to fall into. Today I spoke with Mr. Miller by telephone he advised he had done some work to the property. I went out to the property today and the drain culvert had been covered up as the photographs indicate with another piece of concrete had been screwed down secure to the opening. Also, the porch has been removed that was falling in on the property. The roof has also been removed and there was a tarp over the roof as you will see in the photographs. My finding and my recommendation previously to the property was to demolish the structure and this is where I stand at this time." Mayor Jerkins asked if any photographs were taken today. Chief Williams stated, yes, he did take photographs today. Mr. Kimbrough asked if anyone had any questions of Chief Williams with regard to his report or his recommendations. Ms. Boyd asked how long this property had been in this shape. Chief Williams stated the property had been in dilapidated condition for quite awhile. Chief Williams stated to Mr. Graham this dates back to when we first began the renovation for Pine Street Park. We noticed the property in ill repair at that point and time some eighteen months ago or maybe two years ago. Mr. Kimbrough asked Mr. Miller if he had questions for Chief Williams. Mr. Miller stated, no, he did not.

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Ms. Reagan stated the open culvert was not completely covered in the photographs. Mr. Miller stated he could present a plan. Mr. Kimbrough stated, yes, he could.

Mr. Miller stated he apologized because he was a part-time landlord and what Chief Williams stated is true and accurate. "I did drop the ball and everything that Chief Williams said is true. I understand I can present a plan to get the property in shape and I brought a plan for the things I can do. The first thing is to replace the roof shingles. The porch had caved in because a tree limb had fallen on it. Reconstruct the front porch entryway and install siding on the rear where the siding is missing. Inspect the plumbing and repair plumbing to code if repair is needed. Inspect electrical system and repair electrical system to code if repair is needed. Purchase permits for both of those through the City. Add bathroom and install replacement windows and doors. Install landscaping out front." Mr. Green asked what kind of time frame? Mr. Miller stated he needed ninety days to do this. Mayor Jerkins asked if it had a bathroom in it now. Mr. Miller stated, no, there is no bathroom in the house. Mayor Jerkins asked if the property had a sewer system and asked Mr. Bowens if we knew this or not. Mr. Bowens stated the sewer would be available on the back side of the property and the SDF fees would have to be paid to tie into it. Mayor Jerkins stated, if there isn't any sewer hooked to the house the fees would be thirty-four hundred dollars (\$3400.00). Ms. Boyd asked this is the tap-on fees now. Mayor Jerkin stated some of that goes to Cobb County but its something we have to charge if you are not on the sewer. I am just letting you know you would have some costly expense. Of course it would have to be tied in. Mayor Jerkins stated it sounded good to him and I don't think it will be a problem but, I think it will take more than ninety days to build a bathroom in the house. Ms. Boyd asked to see the photographs again. Ms. Anderson asked Mr. Miller how long he had owned the property. Mr. Miller stated he had owned the property about six years. Ms. Anderson stated it had never had tenants in it since you have owned it. A few years ago there was a bunch of dogs living there. What are you planning to do with the property after you fix repair it. Mr. Miller stated he would lease it out. Mr. Green asked Chief Williams what he thought the culvert was is it a storm drain or what. Chief Williams stated he thought it was an outhouse at one time. Mayor Jerkins stated they checked it and it did have some water in it about five or six feet deep.

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Ms. Boyd stated it was not covered properly and some kid could fall in and it needs to be covered properly. Mr. Green stated it was screwed in it still has an opening. Mayor Jerkins asked if the other end of the culvert was covered. Chief Williams stated, no, it was not. Ms. Boyd stated it was pretty wide. Mr. Bowens stated it needed to be filled with sand and gravel to be safe. Ms. Boyd stated to Mr. Bowens that was a great idea. Mayor Jerkins stated if dirt was poured over that would eliminate the problem. Mr. Green asked what if we come back in two months and see what his progress has been. Mayor Jerkins stated he thought it would take at least four months, because he has to get permits through the city, and he is building a bathroom. Ms. Boyd stated she would like to see some activity. Mayor Jerkins stated he can't do it in ninety days. Ms. Boyd agreed it would take four months to repair. Mr. Kimbrough asked if anyone had any questions about Mr. Miller plan to refurbish the property. Ms. Anderson asked Mr. Miller if he was planning to do the work himself. Mr. Miller stated no, he would not do the work himself, he would hire it done. Mr. Green stated he suggested Mr. Miller come back in a couple of months and give us a report and when he plans on finishing. Mr. Kimbrough asked if anyone had any questions of Mr. Miller. No one did.

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

Mr. Green moved to follow the recommendation to give Mr. Miller two months to come back and give the Mayor and Council a progress report and how long it will be to finish the property repairs. Also during this time because it is so close to the park to notify the construction personnel to please be careful about leaving certain safety hazards for the children to be hurt or injured. Seconded by Ms. Boyd. Ms. Boyd stated she would like to amend the motion to include that Mr. Miller fill the list of repairs and to fill up the culvert or cover it properly. Mr. Green agreed to the amended motion. Motion passed (5-0).

- D. Unsafe Building Abatement Hearing/Kurt Gonsenhauser Property
Mayor Jerkins stated at this time I will turn over to Mr. Kimbrough for a public hearing. Mr. Kimbrough stated at this time he would call for a public hearing on the Unsafe Building Abatement Hearing for Kurt Gonsenhauser Property. The property is located at 5870 Love Street. Mr. Kimbrough asked who would be representing the property.

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Mr. Joseph Morck stated he would be representing the property and he was from the First National Bank of Georgia. Mr. Kimbrough swore in Chief Williams and Mr. Joseph Morck.

Chief Williams stated he and Assistant Chief Maxwell inspected the property at located at 5870 Love Street formerly Mr. Kurt Gonsenhauser property formerly Smokehouse Deli. Also located on the parcel is Old Timey Peggy's Restaurant and a Chemical Store behind and in the rear of the structure. We have received a formal complaint of rats coming on to some of the properties located on Jefferson Street. We did not enter the structure through the fenced in area. We took photographs from the rear but from where we had taken the photographs it was obvious the property was in ill repair. The roof structure of the Old Timey Peggy's building is partially collapsed obviously the roof is leaking and we could not see inside the structure. It is our recommendation for those structures to be demolished for those reasons. We feel like that will clean up that lot. That was prior to our knowledge that First National Bank had become involved in the property. Since that point and time First National Bank had contacted both me and Chief Maxwell. Mr. Morck talked with Chief Maxwell and they met at the location site and discussed what could be done with the property and what options could occur. Mr. Morck is here tonight representing the bank to speak with the Mayor and Council. This is our findings thus far. Initially, the Smokehouse Deli building which is also included in the photographs was not part of the initial complaint. But, as we learned later Mr. Gonsenhauser had entered a foreclosure and vacated the structure and had left all his meat in the coolers and it became a hazard. It had to be cleaned up and that has already been cleaned up to some degree. This is all of findings thus far. Mr. Kimbrough asked if anyone had any questions of Chief Williams. Ms. Boyd asked Chief Williams how long you think this property has been in disarray. Chief Williams stated he knew the restaurant area has not been occupied in about fifteen to twenty years. I don't know what it was being used for, if it was used for storage or what. Those two rear structures and at one time they had all their vehicles back there and there is a large area of oil on the ground which can be seen in the photographs. Not sure what that was used for it is obviously you could get inside if you had to. It's probably been and I can't remember when as you see that sign on the Chemical Store and I have been here twenty-eight years and I have never seen it open.

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Someone told me in the past it used to be a beauty salon in behind Old Timey Peggy's in that one area that is attached to the restaurant area and that is before my time. Mr. Gonsenhauser ran a business there for years and years until several months ago. Ms. Boyd asked Chief Williams you are talking about the deli? Chief Williams stated, yes, the deli. Mayor Jerkins stated it's actually three buildings. Ms. Boyd asked if the city ever did any inspections at the Smokehouse before it closed. Chief Maxwell did go through and do an inspection on the building. Ms. Boyd asked what were Chief Maxwell findings when he visited with the banker. Chief Williams stated it had been somewhat cleaned up and still had a smell in the building and it is a working progress. That structure itself is a fairly sound structure. Mr. Kimbrough asked if anyone else had any questions for Chief Williams. No one did.

Mr. Morck stated, "The First National Bank of Georgia acquired this property through foreclosure and I don't have the exact dates but we had to go through legal action to get Mr. Gonsenhauser out and take legal possession of the property which happened last month. Going in he had left all kind of ham and meat products in the coolers and the power had been off maybe three months or more and had serious problems. Since we acquired it we have hired a company to empty all the coolers and they have taken the meat to a licensed facility. They have cleaned all the coolers and the racks in the coolers. Then we met last week with the City representative to decide what to do with the buildings. The bank would certainly like to protect its investment to the best of its ability. Some of the buildings are in rough shape. I think the main building is sound and can be brought into compliance. I think I sent you a letter last week explaining we are exploring two paths. I am getting a quote from a contractor right now to tear down all the buildings to the slab. The second option, we are talking to a real estate firm to try and determine the true values of these properties and selling of these properties. If we take path two we would not tear down all the buildings and get those buildings in compliance with the current fire codes. I am expecting in seven to ten days a final decision will be made and I will then get in contact with the City." Mr. Kimbrough asked if anyone had any questions. Mayor Jerkins asked Mr. Morck so you are not sure if you will be tearing down all the buildings? You said you would leave the one building. Mr. Morck stated, he felt like there was value there in the one building but I don't know. Mayor Jerkins asked what kind of time frame or you talking about it.

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Mr. Morck stated a final decision would be made in seven to ten days as to which path we will going down to keep one or more buildings and we will probably need ninety days. Mayor Jerkins asked the Council if they wanted to make a decision next month or do you want Chief Williams and myself to make a decision. Mayor Jerkins asked if anyone had any questions. Mayor Jerkins stated we should close the public hearing.

Ms. Boyd moved to close the public hearing. Seconded by Ms. Reagan. Motion passed (5-0).

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to give the First National Bank ninety days to work with Mayor Jerkins and Chief Williams and to come back in ten days to give final decision and report to them. Mayor Jerkins has the authority to make the decision and go forward. Seconded by Ms. Reagan. Motion passed (5-0).

E. Unsafe Building Abatement Hearing/ Charles M. Perry Property

Mr. Kimbrough stated he would open the public hearing at this time on the matter of the Unsafe Building Abatement Hearing/Charles M. Perry Property. Mr. Kimbrough swore in Mr. Perry and Chief Williams.

Chief Williams stated to the Mayor and Council that he and Assistant Chief Maxwell inspected the property at 5706 Mulberry Street owned by Mr. Mark Perry and upon inspection and this was inspected from the exterior and we did not enter the structure. We found several conditions that are unsafe as defined in the Austell Unsafe Building Abatement Code. The property was found to be open at the time of the inspection. Photographs were taken from the right-of-way and several photographs of the roof and it is in ill repair as well as the front porch. There is a large hole in the front porch area and it is our recommendation and I believe this property has been in this condition for a number of years. Due to the dilapidated structure it is our recommendation to demolish the structure. And since that time when the photographs were taken Mr. Perry has been doing some renovations to the property and he has spoken with Mr. Graham about what his intent was to fix up the property although I do not believe there has been any permits purchased. At this point and time the roof has been replaced on the structure by the photographs we have taken today.

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This is where we are at this point and time. Mr. Kimbrough asked if anyone had any questions of Chief Williams. Ms. Boyd asked Chief Williams if the new roof is complete and does it have new flashings and is it finished. Mayor Jerkins stated no, it was not complete.

Mr. Kimbrough asked if anyone had any further questions for Chief Williams.

Mr. Perry stated he would like to comment he did not receive any photographs and he had asked for an open records request. Mr. Perry stated he felt a little left out. I am a little unsure of the building official, the title the city is carrying. In one definition it says a person representing the Condemnation Board. When I made the request there is a Dewey who is the building inspector and I was given the number for him. Chief Williams stated this is not a condemnation hearing. Mr. Perry stated when I asked for the building official this is the name I was given Dewey Blackmon. Chief Williams stated Mr. Blackmon is the Building Inspector in charge of permits for the City of Austell. Mr. Perry stated his title is Building Official and several people I have talked to and the term seems very vague when I am trying to find out who to address in this matter. Those articles I gave you and highlighted most of the inspections that a Fire Chief was to carry out were to the cause of fire or the spread of fire. Also, building and structures that is structurally unsafe and which in relations to existing use constitutes a hazard for safety for the public welfare. Mayor Jerkins stated to Mr. Perry this is what everything consists of if you look at the pictures. Mr. Perry stated as far as a fire hazard it is not. Mayor Jerkins stated to Mr. Perry you just read it was unsafe. Mr. Perry stated, yes, I read it is structurally unsafe in the codes. Chief Williams asked if he could respond to Mr. Perry. Mr. Kimbrough asked Mr. Perry if he had any questions of Chief Williams. Mr. Perry stated, no, he probably should have taken Mr. Kimbrough telephone call when he called. Mr. Kimbrough asked if anyone had any questions of Chief Williams. No one had any questions. Mr. Kimbrough stated to Mr. Perry he had fifteen minutes to speak.

Mr. Perry stated, "my son passed out a drawing of the building of the structure. The dotted line constitutes something I was going to add on which at this point I have given up on doing that. The building actually consists of three different structures built at three different times. I have numbered them on your sheet.

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Depending on the time era which they were built and at this time my son will show you some of the wood and the nails that are a little bit different than the standard construction. We have a two by four that they use today and one that they used back then. The nails they used back then look like stuff they put on horse shoes with opposed to current construction. As the Fire Chief noted we have gone in and the biggest I have had is the roof has eight layers of roof. Some of the cedar shingles, some of them were tar paper, some of them rolled tar it was probably ten times the extra weight on the roof and that was why it eventually caved in and it was taking on water. Anyway, we went in and some of these boards that would stand probably fifteen to twenty-five feet trying to support a roof where these people have added on. We went in and replaced a couple of boards with some two by sixes and put some jack posts off of the existing wall to support the roof. The roof itself was intact with the exception of a few boards here and there and in one area we had to go back about three feet. That is this area right here, this little square area is the area that was taking water off of all three roofs and was not constructed very well. We had to replace some of the boards, not fascia board, and in replacing the roof they had one by slats for the entire roof and I was just going to tar paper and felt it and put new shingles on it and I was told that because of the railroad vibration it would work the nails completely up through the felt and the shingles. We re-decked the entire roof with half inch plywood and then rolled it and put shingles on it. I am trying to salvage the building and the best way was to keep water off of it. The timber is old but unless it takes a lot of water it does real well. The think the holes the Chief mentioned was in the front of the building where the porch was we have to stick I-beams under the house to support the house. I have poured probably thirty yards of concrete and laid three hundred foundation block under the house and sit the house back on the walls. I got half the house finished before I sustained a life changing injury which I have passed some pictures around. My son was only twelve years old or maybe eleven years old and he had to take care of me and I was out of work for a year. The irony here is that I have had compassion for several of the fireman over the years. Former Fire Chief when he got a divorce I gave him a place to live for nothing. Mike Melson I gave him a place to stay. I understand people who have crisis in their life and need compassion and understanding and I also gave it to Kirby McSwain, and Trudy who seems to be after me because of the condition of my house.

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I have compassion for her and her son which I will not go into that but compassion seems to be a one way street. I do anticipate in fixing the house and should get credit for the fact I have restored my building across the street upstairs and downstairs. I am the only building to add central heat and all new copper plumbing and all new wiring and have upgraded the service three different times over the years. I have just replaced all the windows with new vinyl windows. The garage my son and I are living in we thought we were using all the best stuff back there we used polybutylene, water supply and they had a recall on it and coastal state siding which they had a recall on the siding. I have had to redo a lot of things just trying to do the best thing. I have actually gone through three divorces since I have moved into that house. Not that I have had other things to spend my money on and I have actually tried to take care of it as much as I can. I am not sure what the pictures are they probably show all my junk cars. Ms. Boyd asked Mr. Kimbrough to share the pictures with Mr. Perry and that she had heard enough about the pictures. We have cleaned up the property and re-roofed the building and anticipate and finish drying the house in. The windows are all the old style windows with the counter weights in the windows and we are thinking about saving some just to keep them original on certain parts of the house and then replace with vinyl windows just for cosmetic purposes. I wanted to keep as much as I could to make it appealing as possible. At this point, we are just trying to keep the water out. I don't know at what point someone broke in the two front doors when we were re-doing the house because I had nailed all the doors shut to keep people out. Also, when I am picking the house up with I-beams if its gets picked up awkward and the doors are not closed and nailed shut then you might not ever get it closed and nailed shut. I have had someone paint it just for eye appeal at one point and tried to keep as best as I could. We are hoping that in the near future we will have it completely dried in and I will continue my project on the basement. I would actually like to make exit onto the side street and get a curb cut and come in from the side street to go up under the house when I finish doing the basement for a garage up under the house as opposed to coming in on Mulberry Street. These are my plans and I am not planning on spending anything other than money except on me and my son and fixing this house right now. I am not planning on getting married anymore. I do plan on going to Canada and fishing with my son and scuba diving with my son this summer. So, I am not real sure, this is sort of our last summer since he will be a senior next year that I will get a whole lot done in the next ninety days.

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I have got the roof done and some of the windows taken out and some of the doors covered and take off the siding that is on there and put some new siding on and try to weather proof the house so I don't lose it. This is my "proposal." Mayor Jerkins asked Mr. Perry if he was asking for ninety days. Mr. Perry stated he didn't know what he could accomplish in ninety days.

I have the roof re-done and I am going to try weather proof the house so I don't have anymore deterioration to the structure of the house. The only place that I seem to have the most deterioration is in the back where the roof started leaking. I haven't really gone in to ascertain if I have to do that wall or not. For the most part the wood I have looked at, this stuff is full of resin and it's not like the new wood that rots real fast. From what I can tell most of the house is structurally sound. Like I said I have re-done over half the house and set it down on these walls whereas the foundation that was there before they kicked the leaves out of the way and threw a bunch of rocks on the ground and formed up a floor. The house itself there was a twenty-eight inch drop from one corner of the house to the other corner of the house and various levels of the house. The best way I knew how to do this was to redo the entire foundation. Mr. Green asked Mr. Perry and you have done that. Mr. Perry stated he had done half of the house. The month I went on the mission trip and hurt myself I bought an auger and talked with some people who excavate under houses and to basements and I was having trouble digging the dirt because it hadn't been wet in a hundred years. They told me to bring it loose with the auger then you can dig it out. I bought the auger before I went on the mission trip and came back and couldn't use it. All my stuff set for over a year, lawnmowers, weed eaters, everything because I couldn't walk. As you see my one foot is twice the size than the other and I am still having trouble and I am not losing weight any faster than to get my to do list done and I do plan on fixing the house and I would sincerely hate to lose it. Mr. Kimbrough asked if anyone had any questions for Mr. Perry. Mr. Green stated to Mr. Perry do you think in ninety days you will have the outside of the house at least sealed off and looking good. Mr. Perry stated I don't know about the cosmetics, but what I want to do is preserve the structural integrity of the building which will involve taking out some of the windows and doors. Reframing and putting some type of siding up. I have really decided how much of the siding I can save or if I have to go back with some type of new material.

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Mr. Green stated you know, we need some kind of time frame and it needs to be reasonable. Mr. Perry stated he was not a bank. Mr. Perry stated he went to his bank to try and borrow money on his building across the street and banks do not loan money on commercial property. I have always been able to borrow money on my building because I have always had it pretty much maintained. I went to two different banks and obviously the money will have to come from somewhere else and I am not sure. Ms. Anderson asked if it was possible to do some landscaping in the front especially since it is across from the church. The shed, the roof, the porch, which was on the front of the house, the construction was so poor I just tried to fix it enough to shed water. It really has to be re-done. They actually brought the roof line off of the interior walls. You really just can't have that. It needs to all come off and new siding put on and larger bolt a two by six or two by eight then come off of it and build your roof and right now we have water that could go in the house. A lot of that stuff is there just to maintain the structure. Since I am picking the house up and down I can't do something permanent with the porch. I can put a fence around the front to enclose the area and wouldn't have access to the hole coming out the front since I have to lift the house up in order to put the I beams in to redo the foundation. It's a really long process and I have done most of the work myself because I really can't afford to pay people to do the work. I have used friends and stuff to help me get the roof done at a reasonable cost and hopefully we can get some of this other stuff done. If ya'll have to make an inspection in ninety days as to the progress we have made that will be fine with me and come back in here or I can work with Chief Williams or Dewey or who ever I am supposed to work with. Mayor Jerkins asked Mr. Perry if he had any permits yet. Mr. Perry stated he had a building permit. Mayor Jerkins stated they don't last but a year. Mr. Perry stated his was a lot older than that. Mayor Jerkins stated you need to get another one before you start anything else. Mr. Perry stated I have had that building permit for quite awhile and it didn't have a time frame for having the job completed. Mayor Jerkins stated about fifteen years ago. Mr. Perry stated, yes, it's been awhile. I made a copy of it and the date is 1994. Mayor Jerkins stated well it's been thirteen years I missed it by a little bit. Mr. Graham stated next month he had been with the City of Austell fifteen years and that is the first permit I saw when I went to work here. Mr. Kimbrough asked if anyone had any questions.

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Ms. Boyd stated to Mr. Perry, "Mark you served on this council and you know how long that house been in disarray. You come up here with excuses that you broke your leg and that's why you have finished it, hell, you hadn't even started before you broke your leg. Now, you might have done a little bit here and a little bit there, but be honest with this council and don't make this audience feel sorry for you. You been well able and you had plenty of money to finish that house and you talked about it through the years. As a matter of fact, it's not Ms. Trudy that's after you its Beverly Boyd I am the one that wants it cleaned up and some of the people across the street that come out of the church every Sunday. It's not Trudy don't blame her for everything, she does care about the city and she cares about how it looks but she is not the one that is onto to you. You've had plenty of time to get married three more times. How many does that make about five or six?" Mr. Perry stated no, just three. Which it's none of our business and too much information, and too many excuses. I think your making a joke and a mockery of us. Mr. Perry stated, no, he was not trying to make a joke or mockery of you. Ms. Boyd stated, she couldn't believe Mr. Perry had come before this council and talked like he had talked and it's all you know what. You haven't been serious about fixing the house up. You haven't been serious about cutting the grass or about anything over there. I am tickled to death you have started but it doesn't sound like to me but you have plan of action as to when you will finish. That's what has been the problem the fifteen years I've been looking at it. You start a little something, you buy a dump truck and you are just fooling around with us. Were serious and your going to have to get off of go. You have time and money to go with your son and it's good enough to get this house fixed. I don't care what you say, we've had it. I can't speak for the rest of them but I've had it with you. We want something done. Mr. Kimbrough asked if anyone had any questions. No one did. Mr. Kimbrough asked Mr. Perry if he had any questions. Mr. Perry did not have any more questions. Mr. Kimbrough recommended closing the public hearing.

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

Ms. Boyd stated if she thought Mr. Perry was sincere she would be willing to work with him. I think he's been over there laughing and I just don't know how serious he is. I used to think I knew you, but I don't anymore.

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Ms. Boyd asked if anyone had any suggestions of what we should do. Bo or Randy do you have any suggestions? Mr. Green stated what he would suggest is to see what work he will do and the time frame and see if we agree. Mayor Jerkins stated if you can give us a reasonable time and get it torn down which it would probably be better torn down. Ms. Boyd stated to Mr. Perry he knew the condition of the wood and that roof when you bought the house, you're a smart business man. You knew exactly what your were buying and you shouldn't walk up here in front of Beverly Boyd and tell me any different. I know you better. He said, I bought a house that the bank wouldn't loan money on. Ms. Boyd stated, that's your problem not the City's problem. Mr. Perry stated I had my name on a hundred and forty thousand note. Ms. Boyd stated that has nothing to do with this. Mr. Perry stated, he realized that, it's just dollars and cents. Ms. Boyd stated you knew what you were buying. Mr. Perry stated he bought something instead of renting an apartment. Ms. Boyd stated, it's still not our problem.

Mr. Green stated to Mr. Perry to figure out an amount you can get done in ninety days so we can get on with this. Mr. Perry stated he had the roof redone and that had been in the planning. I had to move all my junk away from the house in order to get that done. In ninety days I should be able to get the house water proofed and fascia board cleaned up and painted. I will put new gutters on it to get the water away from the house. Mr. Green asked if the inside structure of the house was solid. Mr. Perry stated, yes, the structure of the house was sound. The one place on the floor has some rotted wood. Mr. Green stated what about the exterior, can you have the exterior sealed in ninety days and the property looking normal. Mr. Perry stated he would try to improve the cosmetics of the house in the next ninety days. Mr. Green stated, no, not try, you know they will not let you say try. Mr. Perry stated in the next ninety days you will know and if not you can tear it down, if you don't like what I have done in ninety days. An awful funky looking lot with a three car garage on it. Mr. Green stated, that's not the point or you wouldn't be up here. Ms. Reagan asked how much more money do you anticipate it costing? Mr. Perry stated he had no idea. I actually got the roof fixed cheap. I received an estimate and they wanted about ten thousand dollars. I don't think I spent five thousand. Mr. Green stated that is a good start but you know where we are and what we have to do. Can you give us a definite answer in ninety days like a progress report mid way? Mr. Perry stated that would be fine and I can have something looking more cosmetic than what it is now.

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Ms. Boyd stated Ms. Anderson asked about the landscaping and you got off the subject and on to the porch. She asked you if you could clean up the yard. Mr. Perry asked the front yard? Ms. Boyd stated, yes, the front yard. Mr. Green stated we need some definite answers to get this thing through. Mr. Perry stated, yes, this is what my intentions are. Mr. Perry stated it shouldn't be hard to clean up because it is only about fifteen feet. Ms. Boyd stated you are absolutely right it shouldn't be left the way it is.

Ms. Boyd moved to follow the recommendation to give Mr. Perry six months and that he comes back with a detailed description of what he has accomplished in ninety days and what do I call this kind of motion if we go ninety more days. Ms. Boyd asked Mr. Kimbrough if she could make a provisional motion. Mr. Kimbrough asked Ms. Boyd if she wanted Mr. Perry to come back in ninety days and give us a progress report or in six months. Ms. Boyd stated she wanted him finished in six months. After fifteen years he should be able to finish and this is what we have given some other people and Mr. Perry is very aware of this. Ms. Boyd asked Mr. Perry if he thought he could finish in six months. Ms. Boyd stated well, I don't care what you think.

Ms. Boyd moved to follow the recommendation of an amended motion to give Mr. Perry six months to finish the house and bring up to code and otherwise the City will take legal action and do whatever is necessary. Mayor Jerkins stated to Ms. Boyd she needed to add something because he may want to wait five months before he does anything. Mayor Jerkins stated you would want action taken immediately. Mr. Boyd thanked Mayor Jerkins for the suggestion. Ms. Boyd asked why he can't report every thirty days to the Mayor's office and a copy of his progress report to Chief Williams. Mr. Kimbrough stated he needs to report to Chief Williams because he is the one who is responsible.

Ms. Boyd stated she would like to amend her motion and recommend we give Mr. Perry six months to complete his renovations to this property and that he report back every thirty days to Chief Williams office on his detailed progress. Mr. Perry will immediately clean up the yards within the next ten days. Mr. Kimbrough stated Mr. Perry will bring the property up to code in six months and why don't we say by the first of each month between now and six months that he is to report to Chief Williams. Seconded by Mr. Green. Motion passed (5-0).

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**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. Spring Street House HVAC System

Ms. Reagan stated the following bids for the HVAC work on the Spring Street House were received by the Community Affairs Department.

1. Travis Motes	\$6,900.00
2. Gar Inc.	\$6,200.00
3. Metro Refrigeration	\$5,200.00

With the approval via phone poll of the Council, the Community Affairs Department chose the low bid from Metro Refrigeration of \$5,200.00.

Ms. Reagan moved to follow the recommendation of the Community Affairs Committee to choose the low bid from Metro Refrigeration of \$5,200.00. Seconded by Ms. Boyd. Motion passed (5-0).

14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

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15. MAYOR'S REPORT

A. CMA MEETING

DATE:	MAY 12, 2009
TIME:	6:30 P.M.
LOCATION	POWDER SPRINGS

Mayor Jerkins stated the only thing I have is the Gas System is working on something for C.A.M.P. and will probably have information at the next Council meeting.

Ms. Reagan asked about the grocery store. Mayor Jerkins stated he had not heard anything on the grocery store. Mr. Graham stated we have another person interested in the store. We are working on any tenant that is interested in the store. Mayor Jerkins stated the Cobb County Prayer Breakfast will be Thursday morning at 7:00 A.M. I have tickets for those of you who would like them.

16. ADJOURN

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