

MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, SEPTEMBER 14, 2009

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

The regular meeting of the Mayor and Austell City Council was held on Monday, September 14, 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; Denise Soesbee, Finance Director; Bob Starrett, Police Chief; 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 to the flag.

Mayor Jerkins asked if there were any items to be added to the Agenda. Scott Thomas stated that he would like to add Item 10.D, Brooks Drive Property.

*Ms. Boyd moved to add the item to the Agenda. Her motion was seconded by Ms. Reagan. The motion passed 6-0.*

**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 \$684.16
- C. Approve Minutes of Regular Meeting August 3, 2009

Mayor Jerkins asked if there were any questions or corrections to the Consent Agenda. There were none.

*Ms. Boyd moved to accept the Consent Agenda. Her motion was seconded by Ms. Reagan. The motion passed 6-0.*

**4. EXCEPTION TO CONSENT AGENDA**

**5. CITIZENS REPORT**

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Mayor Jerkins asked if anyone would like to speak to the Council. Ms. Johnnie Griggs asked to speak to the Council regarding her pouring license being denied, asking that they reverse the denial. She stated that she did have a DUI about four (4) years ago and that the officers found part of a marijuana cigarette in her car; however, according to Ms. Griggs, the cigarette was not hers and that charge was not pursued in court. She was told she could pay to have that charge expunged from her record. Mayor Jerkins asked when she expected to receive the expungement notification. She did not know. The Mayor suggested that Ms. Griggs bring the letter to Chief Starrett so he could check into the matter and the Council would consider it at its next meeting in October.

Stephanie Roebuck also asked the Council to grant her a pouring license. Ms. Roebuck did not have a copy of her record with her and Mayor Jerkins told her that she would need to bring that back to the next Council Meeting for the Council to make a decision. Chief Starrett asked Ms. Roebuck to stop by his office for him to go over the record with her.

No one else spoke to the Council

**6. GAS SYSTEM REPRESENTATIVE  
JOE JERKINS**

Mayor Jerkins asked Scott Kimbrough to report on the Gas System Board Meeting. Mr. Kimbrough stated the routine business was conducted at the meeting which included adoption of the current rate schedule. He stated that once again there is a decrease in the rates.

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

A. Financial Report

Ms. Boyd stated that the Financial Report had been presented to the Council at the Pre Agenda Meeting. She asked if there were any questions. No one had any question.

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**8. GENERAL ADMINISTRATION**

**RANDY GREEN, CHAIRPERSON**

**Carolyn Duncan, Director**

- A. No Report

**9. POLICE DEPARTMENT**

**DAVID "BO" TRAYLOR, CHAIRPERSON**

**Bob Starrett, Police Chief**

- A. Police Report  
B. Code Enforcement Report

Mr. Traylor stated that each of these reports are in the Council material. There were no questions from the Council members.

**10. FIRE DEPARTMENT**

**SCOTT THOMAS, CHAIRPERSON**

**Tim Williams, Fire Chief**

- A. Fire Report  
B. Unsafe Abatement Update

Chief Williams stated that one of the properties we questioned, located at 5157 Lakeview Court, had not responded to the letter our attorney sent last month. According to Chief Williams, Mr. Keaton's property is not very large and would not be too remove it if we had to do it ourselves. Mayor Jerkins asked if Mr. Keaton is still the owner and Mr. Kimbrough responded that as far as he knew that is the case, but it was determined to do a complete title search and bring back next month.

- C. Unsafe Building Abatement Hearing/Braswell Property

Mr. Kimbrough stated there would be a Public Hearing on this matter. Mr. Bill Braswell represented himself and Chief Tim Williams represented the City of Austell. Chief Williams stated that Mr. Braswell had been given six (6) months to bring the property up to Code. The property has been boarded up, but to date very little work has been done and it is not up to Code.

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Mr. Kimbrough asked if any Council Member or Mr. Braswell had questions for Chief Williams. There were none. Mr. Kimbrough asked Mr. Braswell to speak.

Mr. Braswell asked the Mayor and Council for a short extension. He said that when he first came before the Council in April he was not aware that he did not have a clear title. The title was not cleared until April 30, 2009 and by that time the electricians he hired had gone on to another job. There have been other delays in addition to that. He apologized for the time lag.

Mayor Jerkins said that it has been four (4) months since the title was cleared and it appears that nothing has been done in that time. Mr. Braswell responded that some small amount of work has been done on the inside. Some of the contractors have moved out of state because of the economy. Mayor Jerkins asked what Mr. Braswell would suggest that the Council do if another extension were granted and no work was done at the end of that period. Mr. Braswell stated it was difficult and that he did not have a good answer. Mayor Jerkins then responded that if something were not done in ninety (90) days the Council should do something.

Ms. Boyd said she thinks ninety (90) days is too long of an extension. She said that earlier in the year Mr. Braswell said he would have windows un-boarded and much of the repair work done. She asked how much longer it would take to complete the work? He responded sixty (60) to ninety (90) days and he would prefer to have ninety (90) days. Mr. Green then asked why has it taken so long for the work to get done to which he responded there has been difficulty getting workmen and there is an issue of money. Ms. Boyd asked if money is the problem, and did he have enough money at this time to complete the project. He said he did not have all of it now, but he expects to have it when some of his real estate properties sell.

Mayor Jerkins asked about the windows that are boarded up. Mr. Braswell stated that some of the windows are damaged from the fire. Ms. Boyd asked when the fire took place and the response was two years ago. Mr. Braswell stated that it took until this year to get a property dispute settled.

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Mayor Jerkins asked Mr. Braswell to outline his plan for completion if the Council gave him ninety (90) days. Mr. Braswell stated that the first thing to be done would be to get the windows repaired so the boards could come down. Then, he plans to work on the plumbing and electric, and he believes it can be done within the sixty (60) to ninety (90) day period. When asked how long it would take to get the windows completed, Mr. Braswell answered he believed it would take approximately two weeks and that he would be willing to come back to the Council with an update. Mayor Jerkins stated that something had to be done. It was agreed that Mr. Braswell would come back and report to the council at the next Meeting.

*Ms Boyd moved to close the Hearing. The motion was seconded by Mr. Green. The motion passed 6-0.*

Mr. Green said he would like to make a suggestion as to how to handle the situation. He stated that after thirty (30) days he needs to come back so that we can evaluate what has been done, then come back in sixty (60) days so we can see what has been done and if nothing has been done, we need to start our process. There was some discussion regarding the time that would be extended to Mr. Braswell. The final determination was that Chief Williams would inspect the work in progress, reporting to the Council at its next meeting.

*Ms. Boyd moved to extend Mr. Braswell ninety (90) days to complete the project in full, and to require a progress report from him at each Council Meeting during the ninety (90) days. Motion seconded by Ms. Reagan. Motion passed 6-0.*

D. Brooks Drive Report

Mr. Traylor stated that he has been checking with GEMA and FEMA regarding purchase of his property. He said he is aware it has been an ongoing issue for quite some time, but it is difficult to get updates from each of these agencies. He further said that each time he thinks everything has been approved and ready to go, they put another obstacle in the way. Ms. Boyd asked to see the most recent letter sent to Mr. Traylor.

Mr. Traylor said as Ms. Boyd could see from the FEMA letter, he would not be able to have resolution by tonight (as was previously expected). Mr. Thomas asked how much more time would be required to have the house removed. Mr. Traylor responded that according to the letter it would be between two weeks

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and two months, but because of other promises from the agency that have not been honored, he has no idea. He said he doesn't know what else to do except to ask the Council for its indulgence. He said he would like to ask for another ninety (90) days. Ms. Boyd said that from the letter, he has been trying and she would be in favor of giving him another ninety (90) days. Mr. Thomas asked if she would make the motion.

*Ms. Boyd moved to extend Mr. Traylor another ninety (90) days for his property located on Brooks Drive. The motion was seconded by Mr. Thomas. The motion passed 5-0. (Mr. Traylor abstained.)*

Chief Williams said he would like to announce that the Austell Fire Department's Boot Drive just raised \$4,036.00 for MDA and raised \$4,204.00 for the Burn Foundation in the Spring.

Mayor Jerkins said he would like to ask about the house located at 6016 Pine Street. Chief Williams said that the owner had been given six (6) months to remove the property and that it would come up next month. Chief Williams said that he had recently heard from the owner who is aware of his time limitations.

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

**A. Public Hearing**

Second (final) Public Hearing for 2009 – 2019 Solid Waste Management Plan  
Presentation by Mike Warrix of Keck and Wood, Inc.

Mr. Kimbrough called for a Public Hearing on the 2009 – 2019 Solid Waste Management Plan. He called Mr. Warrix forward and swore him in.

Mr. Warrix thanked the Mayor and Council and said that draft information regarding the Plan had been placed in their packets and that copies of that document had been placed at City Hall and the Threadmill Complex for public review. He said that he had no formal presentation at this time since it is a Public Hearing. As the Council is aware, Keck and Wood has been working with City staff for the past four or five months reviewing the city's previous Solid Waste Management plan and at this point we have a draft plan. There are no major changes in this proposed plan in terms of city practices regarding

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collection and disposal. He said that the City of Austell does a lot more with waste disposal than comparable sized cities. He stated that there is a resolution on the Agenda this evening which should be adopted by the Council tonight. Mr. Kimbrough asked if anyone had signed up to speak either for or against the resolution. No one signed in to speak.

*Mr. Traylor moved to close the Public Hearing. Ms. Boyd seconded the motion. The motion passed 6-0.*

**B. 2009-2019 Solid Waste Management Plan Transmittal Resolution**

Mr. Traylor stated that the Public Works Committee recommends that the Mayor and City Clerk sign the attached Transmittal Resolution.

*Mr. Traylor moved to follow the Public Works Committee's recommendation. The motion was seconded by Ms. Reagan. The motion passed 6-0.*

Mr. Traylor stated that the Solid Waste Management Plan will be forwarded to the Atlanta Regional Commission for their review and comments.

**C Resurfacing of Davis Circle and Brown Street**

Mr. Traylor stated that as part of the 2005 Transportation Improvement Program – Special Purpose Local Option Sales Tax (SPLOST), Public Works has received the following three bids for the resurfacing of Davis Circle (from South Avenue to Perkerson Drive) and Brown Street (from Perkerson Drive to Veterans Memorial Highway), as follows:

Cruse Paving, Inc.	\$25,787.48
T. I. Wood Enterprises, Inc.	\$28,819.28
Lewallen Construction Company	\$43,112.34

This project will consist of the installation of approximately 3,722 square yards of 1.5 inch overlay.

The Public Works Committee recommends awarding this project to the lowest bidder, Cruse Paving, Inc. in the amount of \$25,787.48. Funds will come from the 2009-2010 fiscal year Budget, SPLOST (325), DOT Projects (4210), Infrastructure (54.1400).

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*Mr. Traylor moved to follow the recommendation. The motion was seconded by Ms. Reagan. The motion passed 6-0.*

**12. PARKS DEPARTMENT**

**RANDY GREEN, CHAIRPERSON**

**Jim Graham, Director**

**A. Pine Street Park**

Mr. Green said that the Parks Committee recommends the approval of funds to renovate Pine Street Park. The funds necessary for the renovation are as follows:

Playground equipment and installation:	\$30,000.00
Paving basketball court, 6 parking spaces	\$10,675.00
8' fence around back; 4' fence around playground	\$3,798.00
25'x25' pavilion, sidewalks ( shown in attached drawing) and landscaping	\$10,890.13

Cruise Paving is low bidder for the basketball court, Hart Fence is low bidder for the fencing. Funds will come from CDBG 2009 Grant (\$28,283) and Parks (\$27,080.13), 6210 line item 54.1200, site Improvements. Estimated cost for the renovations is \$55,363.13.

*Mr. Green moved to accept the recommendation. Ms. Reagan seconded the motion. Mayor Jerkins asked Mr. Graham if item 6210 was in Parks already. Mr. Graham responded that it was put in for the Pine Street project. There was no further discussion. The motion passed 6-0.*

**13. COMMUNITY DEVELOPMENT DEPARTMENT**

**VIRGINIA REAGAN, CHAIRPERSON**

**Jim Graham, Director**

**A. No Report**

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

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A. No Report

**15. MAYOR'S REPORT**

A. CMA MEETING

DATE: September 15, 2009  
TIME: 6:30 P.M.  
LOCATION: Glock Manufacturing/Smyrna, GA

B. Gas Board Appointment Dennis Perrin

Mayor Jerkins stated that R. E. Long has passed away and the Council needs to appoint a replacement. He recommended Dennis Perrin.

*Ms. Boyd moved to appoint Mr. Perrin to fill the vacancy on the Gas Board. Ms. Reagan seconded the motion. The motion passed 6-0.*

Mayor Jerkins stated that there were a few things he wanted to share with the Council. He said that our bank, RBC, is not paying very much interest, only 1% per million. We have several certificates of deposit coming due and we need to get more interest than one percent. We have already placed one CD for 1.2 million with Westside Bank for 2.5% yield. We have checked around several banks and Regions Bank is only paying .58%. Since we are a city, we have to make sure that our funds will be secured. We have another million coming up this week and we have found another bank in Smyrna that will pay 2.1%. Then, we have three (3) more million coming up before the first of the year. We're going to have to get more than 1% and I wanted you to know that I've been trying to negotiate with RBC and they won't do anything.. We're doing the best we can for a twelve (12) month period.

He also said that the Gas System has a four (4) month certificate with RBC, and they were only paying .26%. The bank won't come off the low interest and we need to move our funds, but they will be secured.

*Ms. Boyd moved for the Council to give Mayor Jerkins the authority to move 1.3 million to Westside Bank and to negotiate the remainder of the money in the best interest of the City. The motion was seconded by Ms. Reagan. The motion passed 6-0.*

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Mayor Jerkins reported on the status of the recent murder that occurred in Austell. He stated that our Police Department has conducted an investigation and the murderer has been pretty well identified. The man who murdered Mr. McClendon was traced to New Jersey where he too was killed. Two of our officers, Deputy Chief Natalie Poulk and Sgt. Sharon Garrett went to New Jersey where they questioned this man's girlfriend who swore that he confessed to her that he had indeed murdered the Austell resident. With the death of the murderer, the case is closed.

Mayor Jerkins asked if there was anything else to come before the Council at this meeting.

*Being none, Mr. Thomas moved to adjourn the meeting. The motion was seconded by Ms. Reagan and passed 6-0.*