

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, MARCH 2, 2009**

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

The regular meeting of the Mayor and Austell City Council was held on Monday, March 2, 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. Reverend David O'Dell gave the Invocation, and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any Council Member would like to add items to the Agenda. Mr. Traylor stated he would like to add 9D. – Request for work permit. Mr. Green stated he would like to add 12A. – Land Access for Mountain Bike Trail and 12B.- Renewal of Austell Baseball Association Legion Field Lease Agreement.

Mr. Traylor moved to follow the recommendation of Mayor Jerkins to add the items to the Agenda. Seconded by Ms. Boyd. 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 \$1,888.76
- C. Approve Minutes of Regular Meeting February 2, 2009

Mr. Green moved to follow the recommendation to approve the Consent Agenda. Seconded by Mr. Traylor. Motion passed (6-0).

4. EXCEPTION TO CONSENT AGENDA

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5. CITIZENS REPORT

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

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he was unable to attend the meeting. "I have spoken with Mr. Register and he told me the only thing that was discussed was the adoption of the gas rate schedule for this billing period which represented another decrease in the gas rate schedule. This will be the fifth month in a row there has been a decrease in the gas rate schedule." Ms. Boyd asked Mr. Kimbrough if he said five months in a row. Mr. Kimbrough stated, yes, that is correct. Mayor Jerkins stated sales are down about nine million dollars.

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

A. Financial Report

**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 Report – Calm Convenience Store

Mr. Traylor stated a request for a Business License allowing the sale of malt beverages and wine sales has been received from Alan Staples.

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This will be for the Calm Convenience Store, located at 2671 Jefferson Street (Formerly Texaco Food Mart). Mr. Staples has purchased this business. Mr. Staples shows no record on his background check.

Mr. Traylor moved to follow the recommendation of the Police Committee to approve the Privilege License Request. Seconded by Ms. Reagan. Motion passed (6-0).

D. South Cobb Pawn Shop – Waiver for Work Permit

Mr. Traylor stated that we have a request for a waiver of employment at South Cobb Pawn Shop. Mr. Stansel is here with Mr. Tucker who is applying for a job and needs a waiver or a vote from the Mayor and Council. Mr. Traylor stated at this time he would like to turn it over to the City Attorney Mr. Kimbrough and ask Mr. Tucker to explain to the Council what his past record has been.

Mr. Kimbrough called a Public Hearing for the request for Waiver for work permit for Mr. Tucker to work at South Cobb Pawn Shop. Mr. Kimbrough asked who was representing the South Cobb Pawn Shop and to please come forward. Mr. L.C. Stansel gave his name and was sworn in. Mr. Kimbrough asked Mr. Stansel if he had applied for a waiver to employ an individual to work in his store. Mr. Kimbrough asked Mr. Stansel who was the person he wanted to employ. Mr. Stansel stated it was Mr. Phillip Tucker. Mr. Kimbrough asked Mr. Stansel why he wanted Mr. Tucker to work in his store. Mr. Stansel stated because I feel he is qualified. Mr. Kimbrough asked Mr. Stansel are you aware of why he would need a waiver. Mr. Stansel stated it was because he had a felony about twenty years ago. We will not have fire arms in the pawn shop and all I am asking Council to do is give a work permit. Mr. Kimbrough asked if Mr. Phillip Tucker was present. Mr. Stansel stated, yes, he was. Mr. Kimbrough asked Mr. Tucker to please come forward and be sworn in. Mr. Kimbrough asked if anyone had any questions for Mr. Stansel. Mr. Kimbrough asked Mr. Tucker if he was requesting this waiver as well as Mr. Stansel. Mr. Tucker stated, yes, he was. Mr. Kimbrough asked Mr. Tucker to please explain to the council why he was requesting this waiver.

“Mr. Tucker stated years ago I was young and dumb and I got into trouble. It has been twenty (20) years ago since this happened.

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Since then I haven't been in any trouble as far as tickets or anything. There was an arrest for disorderly conduct in 2007 but that was dismissed. Mr. Kimbrough asked where was that arrest. Mr. Tucker stated Cobb County. Mr. Kimbrough asked if it was Cobb County officers that arrested you. Mr. Tucker stated it was City of Powder Springs officers. Mr. Kimbrough asked Mr. Tucker if he had any paperwork regarding that dismissal of charges. Mr. Tucker stated, no, he did not have any paperwork with him. Mr. Kimbrough asked Mr. Tucker what about a previous arrest, wasn't it a felony of some sort? Mr. Tucker stated it was for forgery. Mr. Kimbrough asked what county that was in. Mr. Tucker stated it was in Hall County. Mr. Kimbrough asked how that case was concluded. Mr. Tucker stated fine and probation. Mr. Kimbrough asked if there was a trial. Mr. Tucker stated, yes, there was a trial. Mr. Kimbrough asked if he was were found guilty of forgery at that point and time. Mr. Tucker stated, yes he was. Mr. Kimbrough asked how many years of probation were you sentenced to. Mr. Tucker stated, two (2) years. Mr. Kimbrough asked Mr. Tucker if he recalled what year it was. Mr. Tucker stated it was in the eighties, maybe 1984 or 1985. Mr. Kimbrough asked could it have been 1987. Mr. Tucker stated he couldn't remember he tried not to think about those years. Mr. Kimbrough asked Mr. Tucker if he had been arrested since that time. Mr. Tucker stated, yes, one of the arrests was for possession of marijuana and I can't remember when that was and there was another one in the eighties and it was theft by taking. Other than that I can't remember. Mr. Kimbrough asked if the theft by taking was a felony or misdemeanor. Mr. Tucker stated it was a misdemeanor. Mr. Kimbrough asked if anyone had any questions for Mr. Tucker. Mr. Kimbrough asked Mr. Tucker on the charges for theft by taking how was that concluded by plea or trial. Mr. Tucker stated it was a plea and I was sentenced to three years serve one. Mr. Kimbrough asked Mr. Tucker if he served time on that charge. Mr. Tucker answered, yes, I did. Mayor Jerkins asked if that was before 1987. Mr. Kimbrough stated to Mayor Jerkins it was 1988. Mr. Kimbrough asked Mr. Tucker, if he was sentenced to three years serve one on a misdemeanor charges. Mr. Tucker stated, yes sir, I served one, well actually nine months. Ms. Boyd asked what year was the possession. Ms. Boyd also stated she didn't understand why the Council Members didn't have a background check in front of them. Chief Starrett stated Mr. Stansel and Mr. Tucker came up this afternoon and wanted to go before council. Ms. Boyd stated why we didn't wait until month so we could have the background checks.

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Chief Starrett stated he did run the background check before Council meeting started. Ms. Boyd asked why you didn't make enough copies for the Council. Chief Starrett stated he didn't have time to make copies. Ms. Boyd stated this highly unusual situation. Mr. Kimbrough stated to Ms. Boyd he was trying to find the year of possession. Mr. Kimbrough stated there was a possession charge in 1988 as well. There was a felony and misdemeanor in 1988. Mr. Kimbrough asked Mr. Tucker how did the charges for possession end. Mr. Tucker stated, when he went to court his attorney merged all charges together and the Judge sentenced three years and served one year. I served nine months in Hall County. Mr. Kimbrough stated you also had a deposit to a bad check charge. Mr. Tucker stated yes, and all of that was merged together. I actually went to court on everything June 1, 1990 and was released on January 31, 1991. Mr. Kimbrough stated there is also a deposit to a bad check charge in October 12, 1988. Mr. Kimbrough stated there are two separate bad check charges. Mr. Kimbrough asked if anyone had any questions. Ms. Boyd asked Mr. Tucker what he had been doing since all this happened. Mr. Tucker stated for a couple of three years my wife and I operated South Cobb Package. My son and I do painting and now I am in commercial cleaning business. I do this at night time. We do large buildings, like banks and others. Mr. Kimbrough stated he apologized, but he was reading through the paperwork and found multiple charges for deposit of bad checks. These have occurred on separate charges starting with February 27, 1989, April 27, 1989, May 25, 1989; September 18, 1989. Mayor Jerkins asked Mr. Tucker, you said all these charges were merged. Mr. Tucker stated, yes, sir they were by the Judge. Mr. Tucker stated he had learned his lesson. The nine months I stayed in Hall County broke me. Mr. Kimbrough stated the history has been fifteen (15) separate arrests. Mayor Jerkins stated none since 1990? Mr. Kimbrough stated, he did have one arrest in Powder Springs in 2008, other than that nothing since 1989. Ms. Boyd asked Mr. Tucker since you haven't done anything in twenty years have you thought about approaching the Governor's office for a pardon. If you had done this you wouldn't be here before us. Maybe Mr. Stansel as influential as he is maybe he would be willing to help you, something to think about in the future. I know the Governor can do this and you might want to check into it. Mr. Kimbrough asked if anyone else would like to speak. Ms. Anderson asked if Mr. Tucker would be the sole person running the pawn shop. Mr. Stansel stated he would be the Manager of the Pawn Shop. Mr. Kimbrough asked if anyone would like to speak. No one did. Mr. Kimbrough closed the public hearing."

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Mr. Traylor stated he would like to apologize to Ms. Boyd for not having the material for Council to review. Also, we had already agreed to let Mr. Stansel open his pawn shop and I told Chief Starrett this would be the appropriate way to handle this situation. Ms. Boyd stated, it is certainly not appropriate, to bring before us and not give us time to investigate and it doesn't look good. Mr. Stansel knew he was going to open up the pawn shop and he can open without this man. It looks ridiculous. Mayor Jerkins stated that Mr. Kimbrough has read the criminal history to us and certainly explained in detail actually better than we could have read it because it's so hard to read and understand.

Mr. Traylor moved to follow the recommendation of the Police Committee to approve Mr. Tucker's request for waiver for a work permit. Seconded by Ms. Reagan. Motion passed (5-1). Ms. Boyd voted against.

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

- A. Fire Report
- B. Unsafe Building Abatement Hearing / Nicholson Property

Mr. Thomas stated he would like to turn over all three abatement hearings to our City Attorney, Scott Kimbrough. Mr. Traylor stated he would like to recuse himself from the Council at this time. Mr. Kimbrough asked if Mr. Traylor had any opposition in reference to the property. There was no opposition. Ms. Boyd asked Mr. Kimbrough if it was necessary for Mr. Traylor to recuse himself from all three abatement hearings. Mr. Kimbrough stated this was Mr. Traylor's choice in the matter.

Mr. Kimbrough stated we call at this time for the Unsafe Building Abatement for the Nicholson Property and it is located at 5575 Old Marietta Road. Mr. Kimbrough asked who was present to speak on behalf of the City of Austell. Chief Tim Williams stated he would speak on behalf of the City of Austell. Mr. Kimbrough asked who was present to speak on behalf of the Nicholson Property. Mr. Bill Braswell stated he was present to represent the Nicholson Property. Mr. Kimbrough swore in Chief Williams and Mr. Braswell.

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“Chief Williams stated the property located at 5575 Old Marietta Road was involved in an intense kitchen fire in April of 2007. Since that time the property has been boarded up. There was a permit pulled on the property for demolition early on. The permit is now been in place for over eighteen months. A lot of the debris has been pulled from the property and is outside in the dumpster. The property is still sitting in disrepair. Last week Attorney, Robert Chambers sent a letter to me to notify me Mr. Bill Braswell was awarded the property in a court settlement. The letter is attached for your information. I believe he is here to speak to you on this matter. Mr. Chambers advised it was Mr. Braswell intent to repair the property back up to code which is stated in the letter that was sent to Mr. Chambers. That letter is also in your file. My recommendation is that the property be repaired to building code specifications and standards that will allow the property to be inspected and meet all code requirements for the City of Austell. Mr. Kimbrough asked if anyone had any questions of Chief Williams. Mr. Braswell stated as Chief Williams stated it is my intent to repair the property and I went today to get the permit request. Mayor Jerkins asked what kind of timeline you are looking at. Mr. Braswell stated probably three to six months. Mayor Jerkins stated the permit is good for six months you will be starting pretty quick. Mr. Braswell stated the electricians will be starting first. Mayor Jerkins stated he had not been in the house so how much damage was done to the home. Mr. Braswell stated according to the insurance company a hundred thousand dollars, it was a grease fire and there was no structural damage. Mayor Jerkins stated was most of it smoke damage and you will have to do some rewiring. Mr. Braswell stated, yes, because the wiring is very old. Mayor Jerkins asked if the sheetrock had to be taken out. Mr. Braswell stated the sheetrock has already been removed. They came in and tore out sheetrock plus the tile.” Mr. Kimbrough asked if anyone had any questions for Mr. Braswell. Ms. Boyd asked Mr. Braswell when he received the property. Mr. Braswell stated he received the property in February 2009. Ms. Boyd asked Mr. Braswell where he lived now. Mr. Braswell stated he lived in Atlanta, GA now. Ms. Boyd asked Mr. Braswell if he would oversee the work on the house. Mr. Braswell stated yes, he would and plus he would have the contractors. Mayor Jerkins asked Mr. Braswell if he would live in the house. Mr. Braswell stated yes he would live there. Mayor Jerkins asked Mr. Braswell if he originally lived there. Mr. Braswell stated, yes, he had lived in the house before. Mayor Jerkins stated so you plan to move back into the house.

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Mr. Braswell stated, yes he would. Ms. Anderson asked if most of the damage was in the rear of the house. When I went by I noticed the front is boarded up and there are some broken windows but didn't look like any fire damage. Mr. Braswell stated there is no fire damage it was in the kitchen and it had tongue and groove ceiling and had been covered over with sheetrock and therefore didn't penetrate to the attic but the smoke got everywhere. The windows were broken out by the Fire Department. The contractors were instructed to board the house up. Mr. Kimbrough asked if anyone had any further questions. No one did.

Ms. Boyd moved to follow the recommendation of the Council that we give Mr. Braswell six months to repair and no continuation of the repairs. It has to be repaired in six months but not to exceed the six months. Ms. Boyd asked Mr. Kimbrough what we can do if he doesn't have it finished in six months. Mr. Kimbrough stated we couldn't fine him but the property would be still an unsafe abatement until that time. Ms. Boyd stated eighteen months is too long for a house to sit there that way. The neighbors are concerned. I am the one that gets the calls in my district. I think the neighborhood would be willing if we saw immediate results from the change over of the property owners and if you get real busy. I think the neighborhood would be very supportive. But, if I see a long drag out like we had in my neighborhood that took over two years to finish I don't think the neighbors will be happy. Seconded by Ms. Anderson. Motion passed (5-0).

C. Unsafe Building Abatement Hearing/ Willie Polston Property

Mr. Kimbrough stated at this time we will open the public hearing for Unsafe Building Abatement for Willie Polston Property located at 3002 Veterans Memorial Highway. Mr. Kimbrough asked who was present to speak on behalf of the City of Austell. Chief Williams stated he would speak on behalf of the City of Austell. Mr. Kimbrough asked who was present to speak on behalf of the Willie Polston Property. No one was present. Mr. Kimbrough swore in Chief Williams.

“Chief Williams stated City officials including myself have been out to look at the property. We have also looked at many pictures of the Polston property. The structure is in an irreparable state and visible structural damage from the exterior of the home. Our recommendation is the home be demolished and or the owner of the property to demolish the structure.

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Mr. Kimbrough asked if anyone had any questions of Chief Williams. No one did. Mayor Jerkins asked Mr. Graham if Mr. Polston had purchased a demolition permit. Mr. Graham stated he purchased the permit two months ago. Mayor Jerkins stated so far he has not done anything. Chief Williams stated it appears he has the utilities cut off the water, gas, etc. Mayor Jerkins asked Chief Williams if the city notified Mr. Polston. Chief Williams stated, yes, we did. We sent one certified and one regular mail. His wife has also called and spoke with my Assistant Chief Pat Maxwell about the demolition of the structure and still nothing has happened and this was early on of us sending the letters out. That was about a four week notice. Mayor Jerkins stated Mr. Polston was here about three months ago. Ms. Boyd asked how long we have been dealing with Willie about this property. Mayor Jerkins stated it's time we do something with this property. Mr. Graham stated when someone buys a demolition permit they usually will use the permit within a week or two weeks. Ms. Boyd asked if there is a time limit on the permit. Mr. Graham stated no, but he has never had this problem before. Ms. Boyd stated we should put a time limit on all permits. Mayor Jerkins stated we need to put some teeth into this so people will do what they are supposed to. Mr. Kimbrough asked if anyone had any questions for Chief Williams. No one did. Mr. Kimbrough stated he would like to close the public hearing.

Mr. Thomas moved to follow the recommendation of the Council for the City to demolish the structure located at 3002 Veterans Memorial Highway, Austell, GA. in thirty (30) days if Mr. Polston refuses to follow through with his permit for demolition. If he doesn't demolish the structure himself the city will charge it against his property. Seconded by Ms. Reagan. Motion passed (5-0).

D. Unsafe Building Abatement Hearing/ Traylor Property

Mr. Kimbrough stated he would like to open the public hearing for the Unsafe Building Abatement/Traylor Property. Mr. Kimbrough asked Chief Williams to be sworn in. Chief Williams stated the structure located at 2442 Brooks Drive suffered severe flood damage during the Hurricane Dennis disaster. The water was as high as it has ever been in the Austell area. The structure is very dilapidated and beyond repair. We have inspected the property and it is our recommendation this structure be demolished for the reasons above. Mr. Kimbrough asked if anyone had any questions of Chief Williams.

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Ms. Boyd asked how many years has it been. Mayor Jerkins stated it was July 11, 2005. Mr. Traylor stated it was July 11, 2005. Mayor Jerkins stated he left the Council Meeting that night and the road was closed. Ms. Boyd asked if the house was empty before that. Chief Williams stated he wasn't sure at the time of the flood. Mr. Traylor stated it was occupied at the time. Mayor Jerkins asked Mr. Traylor if he would tell the Council why nothing has been done.

“Mr. Traylor stated at the time my daughter was living in the house. I have been putting up money for her to have a place to live since the house flooded. I have entered into an agreement with FEMA to look at the house and I had to borrow money to fix the house to raise it in the flood plain. I have met with FEMA, I met with Small Business Administration and they sent two engineers from Birmingham over to look at it. Upon exhausting all of our avenues every sixty days we've had to report back to each other. Last year around October we have gone to all the meetings we could go to and they offered to loan me two hundred forty thousand dollars (\$240,000.00) to raise the house and structure the house. They required stipulations on the house and the contractor came in and stated it would be three hundred twenty-five thousand dollars to put the flood gates and they were mandated in the structure and it would be flood proof. I thought about having it demolished and then I found out I could be put on GEMA buy back program and GEMA would entertain a motion to buy back the properties as long as the structure was still there. We missed round 1, and then we missed round 2, on being bought back. We entered into an agreement on July 30, of the year which the paperwork was submitted so it will be back on the buyback program in June. Last week I learned there is a another avenue if GEMA does not come back with a buyback offer, which they had offered initially a one hundred and forty-five thousand dollars for all property which is three and half acres plus the house. What I would like to ask the Council is board the house up and let's see what GEMA is going to do. If GEMA does not buy the house and property in sixty days I will tear the house down myself. I will not pay a contractor twenty-two thousand dollars to tear the house down. Mayor Jerkins asked Mr. Traylor in sixty days you will get an answer back and we will make arrangements to tear the house down. How long do you think it will take to demolish the house? We don't want this to take a year to do Mayor Jerkins stated. Mr. Traylor stated if GEMA did not buy the house in sixty days he would start demolition on the house on the sixty-first day himself.

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Mayor Jerkins asked how long you would think it will take you to tear down. Mr. Traylor stated three to four days at the most. Mayor Jerkins stated so you don't think it will be over thirty days. Mr. Traylor stated, no. Mayor Jerkins stated if we give you time you have the house gone in thirty days because you don't plan to repair it. Ms. Boyd asked if GEMA buy's the house or they going to tear the house down. Mr. Traylor stated if they buy it they will tear it down. Mayor Jerkins stated he thought GEMA was very quick about this kind of situation. Mr. Kimbrough asked if anyone had any questions for Mr. Traylor or Chief Williams. No one did. Mr. Kimbrough closed the public hearing.

Mr. Thomas moved to follow the recommendation of the Council to give Mr. Traylor ninety days to tear the structure down at 2442 Brooks Drive and if the structure has not been torn down within that time period the City will tear down and bill Mr. Traylor for the cost. Mr. Green asked that the structure should be boarded up for safety precautions. Mr. Thomas also stated in the motion the house be boarded up and made safe and Chief Williams to inspect and make sure this happens. Seconded by Ms. Reagan. Motion passed (5-0).

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

- 1. Recommendation and Approval:**
- A. Annual Contract for Construction of Sidewalks and Other Street Improvements

Mayor Jerkins stated we have no information on this. We did have the information in the January meeting. Mayor Jerkins stated Mr. Kimbrough has checked into this and he is alright with it but I am not. Mr. Kimbrough stated he had talked with the representatives at Keck & Wood, Inc. as well as the jurisdictions as to this type of contract and I am satisfied that the City can go forward with this type of contract. What this does is locks these contractors in to certain unit prices for material, work etc. In order to do quick repairs that need to be done. The City is obviously under mandate from the State to bid out any projects that are over one hundred thousand dollars so we still have to comply with all the State requirements for projects that have to be officially bid out under a sealed bid.

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But, for these types of repairs, basically it is what occurs throughout the year. These types of contracts are in place in a lot of other jurisdictions and have been for quite sometime actually, which allows the jurisdiction to lock into prices. This does not violate any type of bidding process the city has to go through in order to secure the contractors for these types of contracts. Mayor Jerkins stated his concern was there are several contractors that have bid on this like one on sidewalks, and different prices on others. Can we use different ones on different things? Mr. Kimbrough stated as he understood this we can pick and choose from each one. We can choose from the different contracts. Mayor Jerkins stated he wanted to make sure we can do this and not go with one contractor. Ms. Boyd asked are we tied to choose the one with the lowest bid. Mayor Jerkins stated, no, this is what I just explained to you. Ms. Boyd stated so we can go to Mr. Jones or Mr. Smith with no problem. Ms. Boyd asked what is the purpose, of this. Mr. Kimbrough stated it locks the contractors into a unit price. Mr. Bowens stated as the market picks up again and we go out, for example, the project we had down on Line Street. When that project was bid out the problem was we had to have several different pipes for replacement and it was not bid into the contract. We fell prey to the contractor because he was already out on that job. Had we had this in play with these prices and these quantities are specific about the amount of linear footage that they will put in at that price and once we sign this contract we can say o.k. you hold up we don't want you to put it in and we can go to another contractor. Ms. Boyd stated so you can ask what he would do it for and if he can't do it for less then you go to another contractor. But if you wanted to use that one on the job and his price was good you could go forward with it. Mr. Bowens stated, yes, we can do that. Ms. Boyd asked does this do away with our ordinance that says we have to bid out everything that is over a certain price. Mr. Bowens stated no, we don't. Mayor Jerkins stated this would eliminate the three bid process. Ms. Boyd stated, so, we hire a contractor and we are going to get some sidewalks done and it's seventy thousand dollars so then you don't go and get another bid you just look on the list. Mr. Green stated so we use this contractor and he has a good deal and we get him to do this portion and then we call the other contractor who has a better deal for the other portion he does not have the right to refuse. Mr. Kimbrough stated he is locked into that price. Mayor Jerkins stated if it's a big job we need to bid it out anyway. We will use this only for small things. Even if we do a cost overrun we still need approval by the council. Anything that is big we will bid out anyway.

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Mr. Bowens stated the prices that are in the material on the quantity list are just prices from zero to one hundred feet of sidewalk. So, we are not actually paying these one million dollars, so toss that out of the window. The unit prices that are in the contract will be what we go by.

However, big the job is, if it is under a hundred thousand dollars and only fifty feet of sidewalk we will go by the unit price not by the amount they are doing. They just threw out some numbers to the contractors for them to bid on to see what their prices were. Ms. Boyd stated, just so it all comes back to Council to approve.

Mr. Traylor moved to follow the recommendation of Mayor Jerkins to approve the Annual Contract for Construction of Sidewalks and Other Street Improvements. Seconded by Ms. Reagan. Motion passed (6-0)

12. PARKS DEPARTMENT

**RANDY GREEN, CHAIRPERSON
Jim Graham, Director**

A. Construction of Mountain Bike Trail on City Property

Mr. Green stated we have a motion for a Mountain Bike Trail which will be on our land which borders Clarkdale and the Fire Station Number Two. They want to make a mountain bike trail on that land which will not disturb the land or anything else. They are not going to use rock they are actually going to make trails using pine straw and use it for mountain bike trails. Any questions from anyone on the mountain bike trail.

Mr. Green moved to follow the recommendation of the Parks Committee giving the land for the construction of the mountain bike trail. Seconded by Ms. Reagan. Motion passed (6-0).

Ms. Boyd asked Mayor Jerkins what about a time line. Mayor Jerkins stated it would probably be a year and we will be helping them some on this and be very much involved.

B. Legion Field & Austell Baseball Association Lease Agreement

Mr. Green moved to follow the recommendation of the Parks Committee to approve the 2009 Legion Field Lease Agreement between the City of Austell and the Austell Baseball Association. Seconded by Ms. Reagan. Motion passed (6-0).

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Mayor Jerkins asked if any changes were made from last year. Mr. Graham stated the only thing we changed in the contract will be their responsibility to maintain the defibrillator.

**13. COMMUNITY AFFAIRS DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Jim Graham, Director**

A. Request Proposal for Threadmill Parking Lot Usage

Ms. Reagan stated this department has received a request from the Powder Springs Push Rod Car Club to use the Threadmill Complex parking lot to host a Car Show on October 3, 2009. Event time will be 9:00 a.m. to 4:00 p.m.

Ms. Reagan moved to follow the recommendation of the Community Development Committee to approve the request proposal for Threadmill Parking Lot Usage. Seconded by Ms. Boyd. Motion passed (6-0).

B. Suggested rate increases for Building Permits

Ms. Reagan stated the Community Development Committee recommends approval of the following rate increases for Building Permits:

- Basic Minimum Building Permit

Residential	\$35.00 to \$50.00
Commercial	\$45.00 to \$100.00

- Individual Mechanical Permits (electrical, plumbing and hvac)

\$35.00 to \$50.00

These rates will bring the City into line with fees charges by Acworth and Powder Springs.

Ms. Reagan moved to follow the recommendation of the Community Development Committee to approve the rate increases. Seconded by Ms. Boyd. Motion passed (6-0).

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14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE:

TIME:

LOCATION:

NLC – OFF – NO MEETING

March 10, 2009

6:30 P.M.

16. ADJOURN

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