

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, MARCH 6, 2006**

Present: Joe Jerkins, Mayor
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 March 6, 2006, at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, General Administration/Assistant Director; Rachel Yarbrough, Assistant Finance Director; Jim Graham, Community Development Director; Randy Bowens, Public Works Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Pastor Joe Louis Spann, Jr., Fully Rely on God Christian Ministry, Inc., gave the Invocation. Mayor Jerkins led the Pledge of Allegiance and then asked if any member of the City Council would like to add items to the agenda. Ms. Reagan stated she would like to add 9D. Jennifer Hagen – Serving Permit. Ms. Boyd stated she would like to add 13B. New Flagpole at Threadmill Complex.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to add items to the agenda. Seconded by Mr. Traylor. 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
 - C. Approve Minutes of Regular Meeting
- \$
February 6, 2006

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

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

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**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated the only report was the adoption for the gas rates for the next billing period.

**7. FINANCE DEPARTMENT
BEVERLY JAMES BOYD, CHAIRPERSON
Rachel Yarbrough, Acting Finance Director**

A. Financial Report

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

A. No Report

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

A. Police Report

B. Code Enforcement Report

C. House Resolution 1172 – Information Only

Ms. Reagan stated on February 13, 2006, Mayor Joe Jerkins and Police Chief Bob Starrett were invited to the House of Representatives for the purpose of being recognized by the House.

On this day the House of Representatives adopted House Resolution 1172 commending the Austell Police Department for its heroic assistance to Jefferson Parish Sheriff's Department and the New Orleans Police Department in the aftermath of Hurricane Katrina and to thank Mayor Joe Jerkins and the Austell City Council for approving the officers to assist in restoring law and order back to these panic stricken areas.

A copy of the resolution and newspaper clipping is attached.

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Ms. Reagan stated, also, on Tuesday, February 21, 2006, the Austell Business Association honored Chief Bob Starrett and the Austell Police Department and Chief Tim Williams and the Austell Fire Department.

Jason Greer, President of the Association, presented both Chiefs with trophies in appreciation of their hard work and devotion to the city.

D. Jennifer Hagen – Permit to Serve

Ms. Reagan introduced Ms. Jennifer Hagen to speak to Mayor and Council. Ms. Hagen stated she was trying to receive her pouring license to work at Fat Cats as a waitress. Ms. Hagen stated she had received a misdemeanor eight (8) years ago and this charge was on her background check. Ms. Hagen stated she was told the Mayor and Council could waive this and let her receive a permit to serve. Ms. Hagen stated she had changed her life and she needs this job desperately.

Mayor Jerkins asked Chief Starrett if Ms. Hagen had been in any trouble since the misdemeanor. Chief Starrett stated, no, she had not. Mayor Jerkins stated she is requesting a serving license not a pouring license. Mayor Jerkins stated a motion needs to be made in this regard exempting the two years.

Ms. Reagan moved to follow the recommendation of Mayor Jerkins to allow Jennifer Hagen to get her serving permit and waive the ten (10) year period for Jennifer Hagen because of a conviction. Ms. Boyd stated we would only be actually waiving two years? Is this correct? Mayor Jerkins stated, yes. Ms. Reagan stated the Code for this is 3.25. Seconded by Mr. Thomas. Motion passed (6-0).

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

A. Fire Report

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

A. Jefferson Street Georgia Power Relocation Agreement

Mr. Traylor stated, as part of the Jefferson Street Livable Centers Initiative, we have worked with Georgia Power on relocating power facilities from aerial to underground. Attached is the relocation agreement between the City of Austell and Georgia Power. As agreed upon, the total cost of this project will be seventy-three thousand, nine-hundred ninety three dollars and zero cents (\$73,993.00) due over a three (3) month period.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to authorize Mayor Joe Jerkins to sign the relocation agreement. Seconded by Ms. Boyd. Motion passed (6-0).

B. Mozley Glen Water and Sewer

Mr. Traylor stated Fine Living Homebuilders, Inc. has submitted development plans to Cobb County for a proposed development to be located at the corner of Humphries Hill Road and Hiram-Lithia Springs Road. However, water and sewer would be provided through the City of Austell to consist of approximately 980 linear feet of sanitary sewer line and 510 linear feet of water line. Sewer services would be connected to the existing manhole on the two (2) acres adjacent to the Deerfield Creek Subdivision. Water and sewer plans are currently being reviewed by the City's engineer.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the proposed development, contingent upon the approval through Cobb County, to connect to the City of Austell's water and sewer system. Seconded by Ms. Reagan. Motion passed (6-0).

C. Street Light for Deerfield Creek

Mr. Traylor stated the Deerfield Creek Homeowners Association has requested that an additional street light be installed in the cul-de-sac of the subdivision. Since decorative light posts already exist throughout the development, there will be a cost of three hundred fifty-five dollars (\$355.00) to install the new light pole.

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Mr. Traylor moved to follow the recommendation of the Public Works Committee to install one (1) additional light post in the Deerfield Creek Subdivision. Seconded by Ms. Reagan. Motion passed (6-0).

Ms. Boyd asked if the price was three hundred fifty-five dollars are we going to ask for the cost not to exceed three hundred and fifty-five dollars. Are we expecting the Homeowners Association to pay for some of this expense? Mr. Traylor stated, if the Cobra arm was added the Homeowners Association would be asked to pay for some of the costs.

**12. PARKS DEPARTMENT
RANDY GREEN, CHAIRPERSON
Jim Graham, Director**

A. Information Only

Demolition of Old Restroom Facility at Legion Park and Concession Stand at Collar Park.

Mr. Green stated the old restroom facility at Legion Park has not been functional for many years and has become an eyesore to the whole landscape. It is the recommendation of the Parks Department and Committee to demolish the entire facility.

The restroom/concession facility at Collar Park also has not been functional for years and the Parks Department has plans to use the 2006 Community Development Block Grant (CDBG) funds to demolish the building and replace it with a new pavilion. The funds, in the amount of \$32,000.00, will also be used for new playground equipment in the same area.

Ms. Anderson asked Mr. Green if the restroom was the one at the first pavilion or the second pavilion. Mr. Graham stated it was the second restroom by the second pavilion.

B. CDBG Subrecipient Agreement

Mr. Green stated the Community Development Department applied for and received CDBG funding in the amount of \$32,550.00. This money will be used to replace the old concession facility with a gazebo and playground equipment.

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Mr. Green moved to follow the recommendation of the Community Affairs Committee to approve the City's Community Development Block Grant (CDBG) Subrecipient Agreement Acceptance. Seconded by Mr. Thomas. Motion passed (6-0).

Mayor Jerkins asked where the money was going to be spent. Mr. Graham stated it would be spent on a new playground and the old concession stand. Ms. Reagan asked if anything would be done at Legion Field. Mr. Graham stated new ball field lights would be added at Legion Field.

**13. COMMUNITY DEVELOPMENT
BEVERLY JAMES BOYD, CHAIRPERSON
Jim Graham, Director**

A. Request for Rezoning

Speros Investments, Inc. (postponed from February 6, 2006)

Ms. Boyd stated the Community Development Department has received a request from Speros Investment, Inc., to rezone from NS – Neighborhood Shopping to PUD – Planned Unit Development 16.03 acres located on Humphries Hill Road and Temple Street, in LL 135 & 136, parcel number 9 of the 18th District, 2nd section, Cobb County. The proposed use for this property is to construct 53 single family residential homes.

Legal ads were placed in the Marietta Daily Journal on February 25 and March 3, 2006.

The Planning and Zoning Meeting was held on January 17, 2006. Mr. Foster recommended that rezoning of the property be approved; however, the variance issue needed to be revisited by the City Council. Ms. Pendergraft motioned the Board for approval to the City Council of the rezoning but recommended the developer work with the City Council through the Community Development Department on the variance issues. Vote to recommend to the City Council (5-0).

Ms. Boyd stated she would like to call for a public hearing and turned the hearing over to Mr. Kimbrough.

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Mr. Kimbrough stated, at this time we will call a public hearing and requested an application from Speros Investments, Inc. to rezone from NS – Neighborhood Shopping to PUD – Planned Unit Development 16.03 acres located on Humphries Hill Road and Temple Street, in LL 135 & 136, parcel number 9 of the 18th District, 2nd section, Cobb County. The proposed use for this property is to construct 53 single family residential homes. Mr. Kimbrough asked who was present to represent Speros Investments, Inc. Mr. Chris Speros introduced himself and Mr. Kimbrough swore in Mr. Speros.

“Mr. Speros stated his address as follows: 5060 Willeo Ridge Court, Marietta, GA 30068. Mr. Speros stated to Mayor and Council he appreciated the opportunity to speak to Mayor and Council tonight. As Ms. Boyd stated we would like to subdivided into fifty-three (53) single homes. The homes will be from the high one nineties (190) to two hundred thousand dollar plus range which will be two hundred (200) to two hundred twenty-five (225) range. As a condition of the zoning I have agreed to take the existing pump station and remove it and add a gravity flow sewer to connect our subdivision and the existing homes on Jackie Lane at my expense under the condition of developing the property. All homes will be Traditional and or European design and will be on a slab. Each home will have a two car garage and a double wide driveway. I have also provided for additional parking spaces on the south property to eliminate off street parking. All of the front elevation will be brick or stucco or a combination siding accents which will be approved by Council. There will be a privacy fence at the back of the lots at Jackie Lane and the back of the lots at this area at the top of the lots. All the lots will have a brick water table which will come up to three to four and a half feet. All the lots in the middle will have garbage cans installed underground or covered with some type of fencing to avoid unsightly garbage cans in everyone’s backyard. The yards will be sodded sides, front and rear. We will have in the picnic area, three to four picnic tables as well as a gym type set and a basketball goal. Basically, it will be a quality subdivision and this is currently zoned as stated a commercial piece of property and I feel like what we are doing in this area will be a great product for the City of Austell. I would appreciate your support and I will be glad to answer any questions you may have.”

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Mr. Kimbrough asked if anyone had any questions. Mr. Thomas asked about the Community Center and the playground area in reference to the picnic area and basketball goal. Mr. Speros stated they will have a top lot which will be a picnic area. We will have a 20 by 20 pad for the basketball court and three to four picnic tables and the playground will have a commercial swing set and some type of slide on it for the younger children. Mr. Green asked what are the average depth and width of the lots, the actual house lots? Mr. Speros stated all lots will be one hundred feet deep. If you look on your information, the area inside the dotted lines, this will be where we will be staggering the houses five feet. All the lots are fifty-five feet wide with exception to a few. Mr. Green asked, so you have some which will be wider? Mr. Speros answered, yes. There are lots that are fifty-five hundred square feet to almost fourteen thousand square feet.

Mayor Jerkins stated there are several sizes involved. Mr. Green asked what the smallest lot would be. Mr. Speros stated it would be fifty-five by hundred feet. Ms. Reagan asked if the extra parking was mentioned. Mayor Jerkins stated, yes, this was mentioned. Mr. Kimbrough asked if anyone was present to speak in opposition. Mr. Graham stated, yes, he didn't have the list with him but there is a lady requesting to speak in opposition.

“Ms. Janet Heilman introduced herself and Mr. Kimbrough swore in Ms. Heilman. Ms. Heilman stated her concern was the variances. For example, the minimum side yard setback is ten (10) feet and he is asking for three (3). The rear setback is thirty and he asking for ten and the front is forty and he is asking for fifteen. I am more concerned about it being a real high density development. We already have a problem with the traffic flow and the congestion in the area and this is my main concern. I would be curious to know how many houses could be filled if he followed all the variances and how it would impact his development and what the reduction of homes would be in the high density area. Ms. Boyd asked Ms. Heilman what her address was. Ms. Heilman stated it was forty-four (44) Maple Valley, Villa Rica, GA. My main concern is the reduction in the high density and to abide by the setbacks that are in the Planning and Zoning. My ultimate concern would be if this will set precedence for the other developers coming into the area and staying with the guidelines. Mayor Jerkins stated what you have is commercial property which would be changing to residential property which would be better for the community.

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We also have a pump station which is going to be taken from us and this would cost the City of Austell several thousand of dollars to maintain. The intersection at C.H. James will be our next project. Currently it is not working for the amount of traffic flow we have so we are going to add some extended lanes which will be turn lanes. Our sales tax money will come in April so we will use this on that project and, as far as setting precedence, we certainly look at each individual project before deciding on anything. Mr. Kimbrough asked if anyone else would like to speak. Mr. Kimbrough asked Mr. Graham if anyone else had signed up to speak. No one spoke. Mayor Jerkins stated one of the things he liked about this was the stipulations that had been implemented by Ms. Boyd and Ms. Reagan. This should be a good project and it will be good for the City of Austell and add more sewage to that area. Mr. Green asked, as far as high density, how do we classify that as a single home if you have a hundred by fifty what would be high density if this is not. Mayor Jerkins stated all the lots are not the same size. Mr. Green stated, if this is not high density would fifty by fifty be high density. Mayor Jerkins stated if all the lots were the same size it would be high density. Mr. Green stated he felt like this was high density because of the acreage. Mayor Jerkins stated the lots are three points something per acre and high density would be eight points per acre. All your apartments are smaller lots or smaller houses. I could put twelve units per acre means high density. Mr. Green stated it didn't seem fair to build the big homes and no acreage with it or even a yard so to speak. Mayor Jerkins stated this is what people want these days because they want no or low maintenance. Mr. Green stated he understood if it were a retirement community but this, the children have to play in the street. Ms. Reagan stated no matter what size yard you have the children are still going to play in the street. Ms. Boyd stated the marketing trend today is because of the price of the land the lots are becoming smaller.

Ms. Boyd made a motion to close the hearing. Seconded by Ms. Anderson. Motion passed (6-0).

Ms. Boyd stated the market is very flexible and there are some subdivisions with small lots with three and four and six hundred thousand dollars homes on quarter acre lots. Mr. Green asked where these are located. Ms. Boyd stated right in your back door, Powder Springs.

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Ms. Boyd stated the market will dictate to what people will build and what they will buy. We do not need to be concerned about where their children need to play. If people have children they will buy a house with a big yard. We have turned down apartments, shopping centers, and Ms. Reagan and I have worked on this for two months. I feel like we have the best we can get for this particular location. It's far better than twelve apartments per acre we looked at one time. It's far better than eight townhouses per acre and everything we have looked at so far. We have turned it down and discouraged it all this time. We finally have something that will be the best use for that location.

Ms. Boyd moved to accept the request for rezoning from Speros Investment, Inc. to rezone from Neighborhood Shopping to PUD – Planned Unit Development 16.03 acres located on Humphries Hill Road and Temple Street, in LL135 & 136, parcel number 9 of the 18th District, 2nd section, Cobb County, with the following stipulations: (See Attached Stipulations). Ms. Boyd stated she would like to request this list of stipulations be added to the minutes. Seconded by Ms. Reagan. Motion passed (5-1). Randy Green against.

B. Flag Pole & Installation

Ms. Boyd stated the Community Development Department is requesting approval from Mayor and Council to install a seventy foot (70') flagpole at the entrance to the Threadmill Complex.

The cost breakdown is as follows:

70' Bronze Finish Heavy Duty Pole (with internal halyard)	\$7,250.00
12' X 18' American Flag	\$ 308.00
Shipping	\$ 500.00
Installation (includes all materials, labor and crane to set it)	\$2,500.00
Lights and Wiring	\$1,500.00
Cleanup and Landscaping	<u>\$ 500.00</u>

Total	\$12,558.00
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The cost shall not exceed \$13,000.00 and will come from the Threadmill Complex budget under Site Improvements, 311/1565 Account # 54.1200

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Ms. Boyd moved to follow the approval of Mayor and Council for a New Flag and Flagpole for the Threadmill Complex. Seconded by Ms. Reagan. Motion passed (6-0).

14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

DATE: MARCH 14, 2006
TIME: 6:30 P.M.
LOCATION: AUSTELL COMMUNITY CENTER

B. Reapportionment of Wards

Mayor Jerkins stated since he had been in office the Wards have not been restructured. The State sent a plan to restructure the Wards. We need to have the same amount of voters in each Ward. Before, one of the Wards had about three times as much as the others had. This is redistricting the Wards and all four (4) Council Members will still be in the same Wards. They are using the 2000 Census to go by although it has changed a lot. Mayor Jerkins stated it could be changed again after the 2010 Census.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Reapportionment of Wards. Seconded by Mr. Green. Motion passed (6-0).

Mr. Dan Harrison stated he would like to praise a Code Enforcement Officer for a job well done. I do not know his name but he was very helpful and courteous.

16. ADJOURN

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