

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, MAY 1, 2006**

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

Absent: Rachel Yarbrough
Acting Finance Director

The regular meeting of the Mayor and Austell City Council was held on May 1, 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; 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 Bob Neal, Freedom Fellowship Church, 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. Mr. Traylor stated he would like to add 11-B. Public Works Luncheon. Mayor Jerkins stated he would like to add Douglas County SPLOST under 15-B. Mayor's Report. Mayor Jerkins stated a Resolution was needed before the next Council meeting or we can do this at pre-agenda meeting on May 29, 2006. He stated he wanted to brief everyone on this. Mayor Jerkins met with the Douglas County Commissioners this morning. He stated there is not a lot of time because they will vote on this in July.

Mr. Thomas moved to follow the recommendation to approve the items added to the agenda. Seconded by Ms. Reagan. 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 \$ 3,267.28
- C. Approve Minutes of Regular Meeting April 3, 2006

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

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4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

A. County D.O.T. Update on Comprehensive Transportation Plan

Mayor Jerkins stated Mr. Steve Cody, Consultant, is present tonight to update the Mayor and Council on the transportation plan. "Mr. Cody stated everyone had a copy of the presentation that was presented last week at the first public meeting. This plan is just getting underway and we are about three months into the plan effort at this point and how it will involve the City of Austell. The CTP is a two-part effort and part one is the completion of the transportation elements of the comprehensive plans for each of the cities in Cobb County as well as unincorporated Cobb County. Part two of the CTP is actually an enhanced transportation plan effort and will go even further than the Comprehensive Transportation part requires. This is a ground breaking effort and the first time a planning effort of this kind, that has included all the cities and the county, has taken place so we are very excited to be a part of this. It will be a challenge, but I think it will be a good effort for the county and the cities as well. The CTP is going to be vs. SPLOST and in essence the SPLOST is a six year improvement package and CTP is looking at mid range and long range projects going twenty to twenty-five years out. The one part plan is to be finished up by March 2007 and part two is to be finished up by October 2007. It is a twenty-two month effort and we are about three months in and after finishing up with milestone one and it is a five milestone plan effort. We currently meet on a monthly basis with our Project Management Team. Duane Demeritt and Randy Bowens are part of our Project Management Team and we have met about three times. With this Management Team which includes all the Cities in Cobb and unincorporated Cobb County and agencies in unincorporated as well GRTA and ARC meaning it's a group effort for the plan to work. We also had a stake holder group of about fifty plus citizen appointees which two are from Austell. We met at the end of March and we will meet approximately eight times during the process of the CTP itself. The PMT and the SCC will guide us through and make sure we are on track with our needs and goals and identifying our list of projects. I just want to make sure I hit the high points for everyone. The graph of the map you have is to show the proposed planning areas. We had a public meeting with all of the six cities as well as unincorporated Cobb County and from this point on we will focus, of course, on each of the transportation elements by city, but our technical analysis and our outreach will be focused in on planning areas and, of course, you are in the Southwest corner and the Southwest planning areas.

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Issues associated with Powder Springs and adjacent Paulding County and Douglas County will come into play so it's going to be an effort to focus on a broad base level to see where needs and issues are. CTP is a multi-modal effort and we will look at and will recommend a system of improvements from Roadway Improvements, Intersection Improvements, Transit System Enhancements and Access management and part of what is great about this effort is being done with Comprehensive plans and will bring in land use and parks. Our hopes are in twenty-two months to have an adopted TCP that is feasible and fundable and also supportable and that is why we were out here two weeks back and received a good deal of input. At this point, I would be happy to answer any questions you may have."

Mayor Jerkins asked if the money would be coming from ARC. Mr. Cody stated, correct, it would be coming from an ARC grant which will pay for the biggest part. Mayor Jerkins stated once the study is done, where would you go next from that point. Mr. Cody stated the CCT and the program of projects will be a tool for the County to go back to ARC with and to really show County wide what the needs and issues would be. Ms. Boyd stated how important it was to be involved in this project. Mayor Jerkins thanked Mr. Cody for attending the Council meeting. Mayor Jerkins asked if anyone else would like to speak.

Ms. Angela Brown introduced herself to Mayor and Council and stated she lives in Bishops Run Subdivision. Ms. Brown explained Code Enforcement had been to her home and talked to me about having double sided doors on my home and I am here to appeal. It does not devalue the home in any way plus they did come by twice about the double sided doors. Mayor Jerkins stated maybe there is something in the zoning ordinance saying you cannot enclose or finish a double carport for living space. If it is a carport it should remain a carport. Ms. Brown explained she was not told by the builder of these stipulations. Mayor Jerkins stated because of safety issues you cannot use a garage for a living area. One other reason the Council voted on not to enclose or finish a carport was to eliminate cars on the street. Ms. Brown stated she did not park on the street. My neighbors, however, have their vehicles in their driveways and on the street. Ms. Boyd stated the zoning department had put the stipulations in place on the neighborhood Bishops Run. We put this on the development and then the builder. It is their responsibility to pass this information on to the residents. Your problem is with the Developer and or Builder. Ms. Boyd read the stipulations to Ms. Brown. Ms. Boyd stated in her opinion we do not need to set precedence and change the stipulations for one person.

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Ms. Boyd asked Ms. Brown if she had been working with her Homeowners Association on this. Ms. Brown answered, no, she had not. Ms. Brown stated it was another problem she had with installing a window airconditioner and she was asked by the Homeowners Association to please remove it which she did. Ms. Boyd asked Ms. Brown if this would be living space in the garage that she enclosed. Ms. Brown stated, no, it would be for entertainment purposes only. Ms. Boyd asked if she purchased a building permit before she enclosed her garage. Ms. Brown stated, no, she did not. Ms. Boyd explained to Ms. Brown she should have a building permit. Ms. Brown explained she had not defaced her property or anyone else's. Ms. Brown stated she had installed French doors on the side of the garage and she did remove the airconditioner. Mr. Warren Brown, Ms. Brown's father, stated he had bought a home in Bishops Run and their closing was at the same time and there was nothing from the builder or developer about the stipulations or covenants. My daughter, Ms. Brown, has been a basketball coach for seventeen years in college. She had a whole accumulation of basketball memorabilia and she did not change the garage in anyway except for the French doors on the side of the garage. There are no electrical outlets and no plumbing in the garage. She will be parking in the driveway and not in the garage. Under no circumstances has it defaced her property or anyone's in the subdivision. Her house is the first one you come to in the subdivision. Mr. Graham stated the question was do you have to have a building permit? Yes, you do have to have a building permit. Ms. Brown stated she was not aware that she needed a building permit. Mr. Graham stated this is for your own protection as far as electrical, plumbing, etc. Mayor Jerkins asked Ms. Brown what is the Homeowners Association saying about it now? Ms. Brown stated the Homeowners Association stated the French doors were o.k. The Code Enforcement came by my home and talked to me about the doors. I asked them who was over the Homeowners Association and apparently the City was. Mr. Graham stated he advised Ms. Brown to attend the Council meeting tonight. Ms. Brown explained the garage still had the garage door on it and the only difference was she added the French doors on the side of the garage. Mayor Jerkins stated if the Homeowners Association is o.k. with this we will leave this and approve. We do not want the garage turned into a bedroom or living area. Ms. Boyd stated she would like to contact the Homeowners Association and get them to do a letter saying they have no objections to this matter. Ms. Boyd stated she would call Ms. Brown to let her know the outcome.

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Mr. Green asked Mr. Graham if a copy of the stipulations and covenants were being given to each homeowner. Mr. Green stated this needed to be worked on. Mr. Ollie Clements introduced himself and stated he was the President of the Homeowners Association of Bishops Run. Mr. Clements stated the modifications to the home were made prior to turnover of the Homeowners Association. Mr. Clements stated a copy of the stipulations had not been included in the covenants about the building permits. Mr. Clements stated we inherited the problems from the Homeowners Association and we have tried to be pro-active about what had happened but did not address the issue about what was going on inside in reference to the building permit. Mr. Graham stated we realize the builders and developers are not doing what they are supposed to. We are trying to catch it now before you give all the people the requirements and make sure they are in the materials handed out. Ms. Boyd asked to please put in there before they remodel they need to call the City. This will stop any problem and then they will know if they need a permit or have the right to do what they want to. Ms. Boyd asked Mr. Clements to please include the information on the building permits in the Newsletter.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins stated he attended the meeting and we reviewed the rate schedule. Richard Melton, Assistant Manager, has retired, Friday, April 28, 2006. Gerald Harmon will retire on July 31, 2006. The new man will come aboard May 1, 2006. He will be working with Gerald Harmon until the end of July.

7. FINANCE DEPARTMENT

BEVERLY JAMES BOYD, CHAIRPERSON

Rachel Yarbrough, Acting Finance Director

- A. Financial Report
- B. Budget – 1st Reading

Ms. Boyd stated tonight we will have the first reading of the budget. The budget is on the table for your review. There will be no vote tonight. There will be a cover letter presented to you by Wednesday.

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

A. Yard of the Month Program

Ms. Anderson stated the program will begin in September 2006 with one ward per month, beginning with Ward 1 and continuing through the remainder of the Wards for one year.

If the program is successful, the program may be expanded to include 1 yard per Ward per month.

Mr. Craig Lynn and the South Cobb High School F.F.A. Club will set the criteria and judge the yards.

A \$25 gift card will be provided by Home Depot to each winner.

A Yard of the Month sign will be displayed in the winner's yard. The sign will incorporate logos for the Austell City, the South Cobb High School F.F.A. and Home Depot. The sign will be approved by Mayor and Council.

Ms. Anderson moved to follow the recommendation of the General Administration Committee to approve and accept the Yard of the Month Program as outlined. Seconded by Ms. Reagan. Motion passed (6-0).

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

A. Police Report

B. Code Enforcement Report

C. BiBi Food & Fuel – Privilege License

Ms. Reagan stated an application for a Privilege License has been received from the business BiBi Food and Fuel, located at 5184 Austell Road, Austell, Georgia. The applicant, Mian Afzal, has submitted his fingerprint cards, and they have been mailed to the GBI, but the results have not been received.

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A Criminal History has been run on Afzal, showing no history which would affect his approval. The Police Committee is presenting this request to Council to either approve this request, pending the return and results of the applicant's fingerprint cards, or hold this request until the fingerprint cards are returned and then be presented to the next Council meeting.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the BiBi Food and Fuel-Privilege License. Seconded by Mr. Thomas.

Ms. Boyd stated she had a problem with this and, first of all, I would like to remind the Council of all the violations. Ms. Boyd asked Sam where he lives now. Sam stated he lives at 1531 Fallen Leaf Drive, Marietta, Georgia. Ms. Boyd asked where Mr. Ijaz lives. Sam stated he had just moved one street over from him. Ms. Boyd asked Sam if Mr. Ijaz lived at 1531 Fallen Leaf Drive at one time. Sam stated, yes, he did but he has moved. Ms. Boyd asked Sam if they were related. Sam stated, yes, he is my uncle but the lease is in my name and I am trying to do this over and do it right and run the business. Ms. Boyd stated, it is just like the Mayor stated, he was in business for fifteen (15) years and was never cited for selling alcohol to a minor. You have been cited on 11-19-02, 12-30-03, and 05-08-03 and put on probation on 08-01-05 for nine months. Sam told Ms. Boyd it was in his uncle's name, Mr. Ijaz, when this happened. Ms. Boyd stated, not only have you been cited but how you keep your business clean on the outside. The garbage is horrible on the outside. Sam stated all the businesses in the strip mall have dumped into his garbage facility and this is why it looks bad. Ms. Boyd asked him if he could not move the dumpster or put a lock on it. Sam stated he could not do that because he had been advised by the landlord. The problem is everyone is dumping their trash in my dumpster. The people driving by dump their trash as well and I don't know what I can do about this problem. Mayor Jerkins asked how often the garbage is picked up. Sam stated it was twice a week. Mr. Green asked, are you sure it is not twice a month? Sam stated, no, it was twice a week. Mr. Green stated this did not have anything to do with a privileged license. Ms. Boyd stated, no, it doesn't but it does show how he tends to his business.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Privilege License pending the return and results of the applicant's fingerprint cards. Seconded by Mr. Thomas. Motion passed (5-0). Ms. Boyd voted against.

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Mayor Jerkins stated to Sam he would be checked periodically at his store location.

D. 50 Cent Cab Company – Privilege License

Ms. Reagan stated an application for a Privilege License has been received from the business 50 Cent Cab Company, located at 2624 Bill Mark Avenue, Austell. A criminal history has been run on the applicant, Moyosore Taiwo H Oseni, showing no history which would affect his approval. A copy of the application is attached.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve this request. Seconded by Mr. Thomas. Motion passed (6-0).

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

A. Fire Report

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

A. Street Light Request – Spring Street

Mr. Traylor stated it is the recommendation of the Public Works Committee to approve the installation of two (2) street lights near 5982 Spring Street. The monthly cost would be \$9.10 for each light. There would be no cost for pole installation since poles are already in place.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the Street Light Request. Seconded by Ms. Reagan. Motion passed (6-0).

B. Public Works Luncheon

Mr. Traylor stated, in honor of National Public Works Week (May 21 through May 27, 2006) the Public Works Department will be hosting a luncheon to be held on Thursday, May 25, 2006, from 11:30 AM until 1:30 PM at Legion Park.

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The Public Works Department would like to extend an invitation to the Mayor, City Council, and each City employee. We also have a Proclamation for the Mayor to sign.

Mr. Traylor moved to follow the recommendation of the Public Works Department to approve the luncheon honoring National Public Works Week. Seconded by Ms. Boyd. Motion passed (6-0).

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

A. No Report

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

A. Request for Annexation/Rezoning – Fine Living Homebuilders, Inc.

Ms. Boyd stated the Community Development Department has received a request from Fine Living Homebuilders, Inc. to annex into the City and rezone the property located at Humphries Hill Road & Hiram Lithia Springs Road from R-15 to PUD (Planned Unit Development) 6.86 acres in LL 133, parcel number 6 of the 18th District, 2nd section. Fine Living Homebuilders, Inc. is planning to develop a subdivision that will consist of 22 homes with a projected density of 3.29.

Legal ads were placed in the Marietta Daily Journal on Friday, April 7, 2006, and April 14, 2006.

Ms. Boyd stated at this time she would like to turn the request over to Mr. Kimbrough, City Attorney, for a public hearing. Mr. Kimbrough stated the public hearing for request for annexation and rezoning would begin.

Mr. Kimbrough asked who was present to represent Fine Living Homebuilders, Inc. “Mr. Dan Harrison stated his name and stated he was the representative for Fine Living Homebuilders, Inc. Mr. Harrison stated he would like to reassure everyone if approved tonight, we will have covenants ready within a week for the City Attorney to review and redline as well as comments.

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I have written personally four sets of covenants to the Homeowners Association and we have recorded all of them and we make it a point to hand out for everyone that buys a house. I would like to introduce to you our idea. This is a very small compact community on 6.82 acres. It will consist of twenty-two homes.

There are recommendations in front of you for all the conditions that Ms. Reagan and Ms. Boyd have worked with us on. We have had great meetings with them, and we appreciate their detail, concern and their caring. We came up with an idea based on very close knit family oriented subdivision. There will be parking in the rear only. There will be setbacks requested on two or three of the lots because of the depth of the lots. There will be no garages visible from the front. They will be called carriage houses and some will be detached and some will be attached. We hope we will have twenty-two separate floor plans and twenty-two separate front elevations. Every elevation would consist of one of three finishes, primarily the first two would be rock or brick, and I think we left brick out unintentionally in the recommendations. I respectfully ask we do this. Ms. Boyd stated the hardi plank was also left out and we will put both in the stipulations. Mr. Harrison stated we anticipate a very unique subdivision. There is a subdivision very similar to this in Alpharetta that has four hundred homes with the same type of community. We will have a passive walking trail on the two acres we are not building on. They will consist of an area for picnics and there is a small pond there and the walking trails will certainly be ramped. We anticipate the retention ponds will be out of view from the houses and the streets and we will do that with landscaping. You can see the recommendation from City of Austell that the front will have lights and architectural designed and landscaped. It is the recommendation to put two fences to protect the neighbors behind us for whatever conditions might be. We anticipate very pedestrian subdivision. We will have sidewalks, all underground utilities and all garbage containers will be underground. We hope we will have one garbage collection company for the entire subdivision. We do anticipate having sod for the front, side and back yards. There were some questions asked at the zoning meeting if we would have some fence along the right of way at Humphries Hill Road. We went out and surveyed several upscale subdivisions and we anticipate a very nice attractive fence along that right of way. There is about seven hundred feet of right of way there and we anticipate a wrought iron and rock and white fencing. We will get our public water from the City of Austell and we have already received permission to go due north of us to hit a manhole for a sewer system that is already installed. We have received permission from Georgia Power for the power line. Other than this, we will have a very quiet subdivision. Mr. Thomas asked who would have the responsibility to maintain the recreation area.

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Mr. Harrison stated it would be the Homeowners Association. Mayor Jerkins asked if they would have lighting in the subdivision. Mr. Harrison stated, yes, they would have street lamps in the subdivision. We like what the City of Austell is doing in the city as far as the street lamps and we would like to do something similar”.

Mr. Green asked how many bedrooms in the homes? Mr. Harrison stated it would be three bedrooms. We are asking for five homes to be in the minimum eighteen hundred (1800) square foot range. These homes will be on the market for about two hundred fifty thousand (\$250,000). We anticipate an upgrade on these homes with crown molding, and in every area. There possibly may be five bedrooms. Mr. Kimbrough asked if anyone had any questions of Mr. Harrison. Ms. Anderson asked if all the power lines would go underground. Mr. Harrison stated, yes, they would. Mayor Jerkins stated Cobb County has approved and reviewed all the information and approved everything. Mr. Kimbrough stated two people had signed up for opposition, Mr. Jimmy Rogers and Ann Turner. Mr. Kimbrough asked Mr. Jimmy Rogers to please come forward. Mr. Rogers was not present. Mr. Kimbrough asked Ms. Ann Turner to come forward. Ms. Turner was sworn in by Mr. Kimbrough. Ms. Turner stated the project seems good, sounds good, and looks good. These houses look old like some that I have seen in southern Pennsylvania. The concern I have is the city is growing and this is not a bad thing. The city is growing in bedrooms and this brings children and this brings increased needs for schools and increased needs for transportation to and from school and we don't have larger schools in which to put them. The Marietta paper stated there would be five hundred more teachers needed throughout Cobb County, o.k. that is one expense. Where do we put the teachers and where do we put the kids? Where do we put the buildings for the schools? We have a new school on Humphries Hill area and I understand it's close to being full now. The new primary school, it is probably going to be full when it opens. We are adding more houses and we have a lot of projects going in the city right now. We have a project on Causey Road and there is one behind me, and this one. There are multiple houses going in all over the City of Austell. Are we outgrowing the infrastructure of the city that we can't support? This is my question. If the houses are attached this close together and the decks are that close and the wind picks up an ember from this grill and carries it over how many homes would burn before the fire department could control the fire? My concern is really twofold, are we outgrowing or outbuilding the capacity for the schools? Are we outbuilding the capacity of our public safety to take care of the houses we already have when we don't increase the public safety people?

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Mr. Kimbrough asked if anyone had any questions. Hearing none we will close the public hearing for the request for rezoning on Fine Living Homebuilders, Inc.

Mayor Jerkins stated he would like to comment. I am very impressed with this project and Ms. Boyd and Ms. Reagan have worked very hard on this. Mayor Jerkins stated he was impressed because Austell does not have anything like this and the twenty-two different houses are very uncommon.

Most of your subdivisions, the homes are too much alike and this is different and I appreciate Ms. Boyd and Ms. Reagan for all their hard work on this project. Ms. Boyd stated she appreciated what Ms. Turner had to say and if I didn't feel like our infrastructure would accommodate this I can assure you the Mayor and Mr. Bowens and Mr. Graham would have stepped in. If you check our Police and Fire ratio we are certainly within our parameters of where we need to be. I feel good about our infrastructure and I feel we are o.k.

Ms. Boyd moved to follow the recommendation to approve and accept the Fine Living Homebuilders, Inc. rezoning request for the property located at Humphries Hill Road and Hiram Lithia Springs Road from R-15 to PUD (Planned Unit Development) 6.86 acres in LL 133, parcel number six of the eighteenth District, 2nd section. Fine Living Homebuilders, Inc. is planning to develop a subdivision that will consist of 22 homes with a projected density not to exceed 3.29 with the following stipulations included:

- 1. All PUD requirements will be followed such as sidewalks on one side of the street, streetlights, underground utilities, etc. everything that is in PUD regulations.*
- 2. Minimum setbacks will be sides and will be five (5) feet with a minimum of fifteen (15) feet between houses. Rear will be ten (10) feet setback. Front will be twenty-three (23) feet setback from curb. Driveways must be ten (10) feet wide. The garages must be in the back and none facing the street.*
- 3. Entrance sign requirements will be ground based, constructed of stone or brick, landscaping lighting, irrigation system to be installed and design approved by the City staff.*
- 4. Home sizes will be five (5) to be a minimum of eighteen hundred (1800) square feet. Five (5) to be a minimum of two thousand (2000) square feet. Twelve (12) to be a minimum of twenty-two hundred 2200 square feet.*
- 5. Fronts to be of stone or masonry stucco or hardi-plank and approved by City staff where deemed necessary. The sides will have a water table and shutters installed on front and sides.*

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6. *All parking to be in rear and a minimum 10 foot wide concrete driveway.*
7. *Yards will be sod front, sides and rear.*
8. *Uniform mailboxes throughout the development.*
9. *Underground refuse containers.*
10. *Amenity area to include nature trails, gazebos, and walkways constructed of materials approved by the City staff and you may be requested to provide lighting. To be maintained by the Homeowners Association.*
11. *A mandatory Homeowners Association. A list of the covenants and officers provided to the City as soon as they are established.*
12. *A mandatory Tree-Save policy. Replanting will be approved by City staff.*
13. *Amenities area, entrance sign and entrance landscaping to be maintained by the Homeowners Association. The entrance sign will be lighted. The retention pond will be maintained by the Homeowners Association.*
14. *Exterior paint colors to be approved by the City staff.*
15. *A landscape buffer or privacy fence to be maintained on back lot numbers 1 through 5 and lots 10 through 22.*
16. *A fence will be constructed along Humphries Hill consisting of approximately seven hundred (700) feet. It will be constructed out of brick, stone, wrought iron, white or a combination of several. You will be required to bring in for approval by the City staff.*

The motion was seconded by Ms.Reagan. Motion passed (5-1). Ms. Anderson against.

Ms. Boyd stated the Community Development Department has received a request from Fine Living Homebuilders, Inc. to annex into the City the property located at Humphries Hill Road & Hiram Lithia Springs Road from R-15 to PUD (Planned Unit Development) 6.86 acres in LL 133, parcel number 6 of the 18th District, 2nd section. Fine Living Homebuilders is planning to develop a subdivision that will consist of 22 homes with a projected density of 3.29. Ms. Boyd stated she would turn the meeting over to Mr. Kimbrough for a public hearing. Mr. Kimbrough opened the public hearing and asked who would be representing Fine Living Homebuilders, Inc. Ms. Sheila Smith stated her name and Mr. Kimbrough swore in Ms. Smith. Ms. Smith stated she would like to request Fine Living Homebuilders, Inc. be annexed into the City of Austell and to proceed with their proposed development. We want to do everything that we have promised to do and we look forward to working with you. Mr. Kimbrough asked if Council had any questions. Ms. Turner asked if annexation did not follow the rezoning. Ms. Boyd stated, yes, it did and explained both to Ms. Turner.

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Mr. Kimbrough asked if anyone else would like to speak. Hearing none, Mr. Kimbrough closed the public hearing for annexation.

Ms. Boyd moved to follow the recommendation to approve the request from Fine Living Homebuilders, Inc. to annex into the City, 6.86 acres in LL 133, parcel number 6 of the 18th District, 2nd section located at Humphries Hill Road & Hiram Lithia Springs Road. Seconded by Ms. Reagan. Motion passed (5-1). Ms. Anderson against.

Ms. Anderson stated she had a comment. I think it looks like a wonderful plan and a great development. However, my opposition does come from the impact on the community. In part, from Chief Henson's letter this development along with others will have a negative impact once completed. We do have subdivisions under construction at Causey Chapel Road, Austell-Powder Springs Road. We just approved one last month at Humphries Hill and Jackie Lane. We have many vacant homes on Love Street. There are four in a row for sale and there is a lot of unoccupancy in the city. Austell Elementary will be adding six new kindergartens this fall and that is not due to smaller class room size. This is due to more students. Our schools are at capacity and they are blowing up. Kids are close to being unsafe and we are struggling to find good teachers. I am not opposed to the new development but I think we need to take care of what we have and concentrate on our community instead of adding more development just for the sake of developing. Thank you.

14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. No report

15. MAYOR'S REPORT

A. CMA MEETING

DATE:	MAY 9, 2006
TIME:	6:30 P.M.
LOCATION:	POWDER SPRINGS

B. SPLOST – Douglas County

Mayor Jerkins stated he met with Douglas County on the SPLOST. We are a small part of Douglas County and we get some sales tax out of that. Douglasville's Mayor was present. Villa Rica had a representative present.

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The vote will take place on July 18, 2006, and we will have to do a Resolution and we might do this at pre-agenda on June 5, 2006. It will be a six-year SPLOST one percent (1%) sales tax and sixty (60%) percent will go to the new jail.

They are expecting to raise one hundred forty-five million (145M) over a six-year period. They are talking about twenty percent (20%) for parks, and twenty percent (20%) for roads and sidewalks, etc. What I figured our part, last time we actually got six hundred thousand and we haven't received all of that and it runs out the last part of June of 2007. The other sales tax program runs out and we got four hundred ninety thousand from them at that time and they owe us another hundred ten thousand and should be paid by next June. We bought part of the fifty-three acres in Douglas County to do a park. This will probably give us because of the jail I would guess, around four hundred thousand dollars (\$400,000.00) we will receive this time. I feel like we will use eighty-five percent (85%) on the park and fifteen percent (15%) on sidewalks and repaving some streets. This figure may not be correct, just an estimation. Ms. Boyd asked Mayor Jerkins to explain to everyone why we are dealing with Douglas County. Mayor Jerkins stated we are in two counties. About one percent of Austell is in Douglas County and ninety-nine percent in Cobb. They got a couple of new sales tax in Douglas County, one is for school, one for SPLOST, and one is lower property tax and we get one percent (1%) of the lower property taxes. No one in Douglas County pays the City any property tax. We give them all the services with no tax. Because of the one percent (1%) sales tax it gives us enough money to overcome taxing the people in Douglas County. In Cobb County we charge 3.123 which is a little over three (3) mils in Cobb County. You get three mils off because we own our own Fire Department. We have very low tax structure in both counties. This is different tax than the one percent (1%) SPLOST. This will give monies to help build the park which is forty-nine acres in Douglas County and install some ball fields. We also have another hundred ten thousand coming from Douglas County at some point, probably at the end of next June. The other will start and I really don't know the time frame, but I think they are going to do a bond so we will probably get a good portion of that other money. We have another hundred thousand which we have laid aside from that subdivision that will go into that park which is on Causey Road. We will have about six hundred thousand dollars to work on the park within the next couple of years. It is good for us and we will be do some walking trails in the park and we plan on spending a lot of money on this park to make it nice and pleasurable and we do have the property for this and I wanted everyone to be up-to- date. They were very nice and Douglasville was a little hard on them.

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One of the bond guys was there and he said that Douglasville was big enough and if the County wanted to they did not have to give Villa Rica or Austell any part. If they made an agreement with them so I let them do all the talking and then I informed them that might not be a smart thing to do.

Because at one time Cobb County didn't give us anything and when I went into office sixteen years ago they had a sales tax program and they were not going to give us anything so I worked against the sales tax program and it didn't pass. So the next time they decided to give us some money, so I helped them and it passed. I refreshed their memories and they said we have no intention of leaving you out. We have worked pretty close to Douglas County over the years and I think if it passes we will get some money out of it. I think this will be good for all the children to have a new park.

16. ADJOURN

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