

**MINUTES OF THE  
REGULAR COUNCIL MEETING  
CITY OF AUSTELL  
MONDAY, OCTOBER 2, 2006**

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

The regular meeting of the Mayor and Austell City Council was held on October 2, 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. Reverend David Pearce of Austell Presbyterian Church gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any member of the City Council would like to add items to the agenda. No items were added. Mr. Kimbrough stated he would like to add 14. A – Executive Session to discuss legal matter. Mayor Jerkins stated he would like to add 15. E – MAXIMUS selling to The Providence Services Corporation (PSC).

*Ms. Reagan moved to follow the recommendation of Mayor Jerkins to add items to the agenda. Seconded by Mr. Green. Motion passed (6-0).*

Mayor Jerkins stated the City of Austell had a Cobb Underage Drinking Task Force Proclamation and asked who was present to receive the Proclamation. Mayor Jerkins read the Proclamation and presented the Proclamation to the Cobb representative.

**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 \$663.00
- C. Approve Minutes of Regular Meeting September 11, 2006

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*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**

No one spoke.

**6. GAS SYSTEM REPRESENTATIVE**

**JOE JERKINS**

Mr. Kimbrough stated he was present and they discussed the adoption of a rate schedule for this term and the announcement of the resignation of Jim Cole.

**7. FINANCE DEPARTMENT**

**BEVERLY JAMES BOYD, CHAIRPERSON**

**Denise Sosebee, Director**

A. Financial Report

**8. GENERAL ADMINISTRATION**

**KIRSTEN ANDERSON, CHAIRPERSON**

**Carolyn Duncan, Director**

A. Yard of the Season

Ms. Anderson stated our first Yard of the Season judging contest took place in September by Mr. Craig Lynn and his FFA Club at South Cobb High School and the winner is Shirley Countryman. Ms. Anderson asked Mr. Lynn and Ikaika Anderson to please come forward and present the award to Ms. Countryman. Mr. Craig Lynn stated Ms. Anderson had come to him and they had come up with the idea of having a Yard of the Season. The management of Home Depot Landscape has donated fifty-dollars (\$50.00) in gift certificates. Mayor Jerkins presented Ms. Countryman with a Proclamation and fifty dollar (\$50.00) gift certificate from Home Depot.

B. Approval of Associate Solicitor

Ms. Anderson stated from time to time additional help is needed by the solicitor in our court. Attached is a copy of Luana L. Popescu's resume for your information.

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Based on Solicitor Pedigo's recommendation, we request the Mayor and Council approve Luana L. Popescu to assist our Solicitor on an as needed basis.

*Ms. Anderson moved to follow the recommendation of the General Administration Committee to approve Luana L. Popescu as the Associate Solicitor on an as needed basis. 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. South Cobb Package Store – Privilege License

Ms. Reagan stated Raymond Livingston, President of South Cobb Package located at 4805 Austell-Powder Springs Road, has applied for a Privilege license for retail sale of beer, wine, and liquor and/or related items. A criminal history check on Mr. Livingston has been conducted and shows no history. Copy of the application is attached. The Police Committee recommends that Council approve this request.

*Ms. Reagan moved to follow the recommendation of the Police Committee to approve the South Cobb Package Store. Seconded by Ms. Boyd. Motion passed (6-0).*

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

- A. Fire Report
- B. Purchase of New Engine

Mr. Thomas stated the following request for proposals (RFP's) were received from three fire apparatus vendors for a new custom Fire Engine for the City of Austell Fire Department. The proposals are as follows:

- **Smeal Fire Apparatus**  
Custom Spartan Gladiator Chassis W/450 HP ISM Cummins  
Diesel Engine/Allison 4000 EVS Transmission

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PUMPER .....	\$347,250.00
Equipment.....	<u>\$ 51,559.00</u>
<b>Total.....</b>	<b>\$398,809.00</b>

- **Pierce Fire Apparatus**

Custom Dash Pumper Chassis W/450 ISM Cummins Diesel Engine/Allison 4000 EVS Transmission

Pumper.....	\$387,600.00
Equipment.....	<u>\$ 41,344.15</u>
<b>Total.....</b>	<b>\$428,944.15</b>

- **KME Fire Apparatus**

Custom Chassis W/450 ISM Cummins Diesel Engine/ Allison 4000 EVS Transmission

Pumper.....	\$373,817.00
Equipment.....	<u>\$ 54,913.00</u>
<b>Total.....</b>	<b>\$428,730.00</b>

Our departmental recommendation is to purchase from Smeal Fire Apparatus (Southern Fire). This apparatus will closely resemble our 2004 Smeal Engine. Again, Smeal has included a two year chassis warranty. All other proposals included a one year chassis warranty. The engine comes with a ten year warranty. The transmission and pump come with a five year warranty. Thanks for your cooperation.

Mayor Jerkins stated it would take approximately a year to build this Fire Engine. Once you vote on it the order will be placed and we have until then to pay for it. We have one payment in January on the other Fire Engine and that will be in this year’s budget. We will probably do about a hundred thousand (\$100,000.00), then do a three year lease to finish the payments on it.

*Mr. Thomas moved to follow the recommendation of the Fire Department to approve the lowest bid for the Purchase of the New Fire Engine. Seconded by Ms. Reagan. Motion passed (6-0).*

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

**A. 2007 Wastewater Rate Increase**

Mr. Traylor stated it is the recommendation of the Public Works Committee to accept the following wastewater rate increases as proposed by Keck and Wood, Inc. to become effective January 1, 2007. The governmental contractual water rate would be increased by four (4) percent per 1,000 gallons. Therefore, the proposed rates would be adjusted upward \$.16 per 1,000 gallons to recognize the revised Cobb County Water Systems rates.

	<b>CURRENT</b>	<b>PROPOSED</b>
Inside City (Per 1,000 Gallons)	\$4.86	\$5.02
Outside City (Per 1,000 Gallons)	\$5.12	\$5.28

<b>AUSTELL BOXBOARD CORPORATION</b>	<b>CURRENT</b>	<b>PROPOSED</b>
Per 1,000 Gallons	\$4.86	\$5.02

The proposed increases will offset the wholesale increase and include the 120% coverage factor as required by the City’s Bond Ordinance.

*Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the 2007 Wastewater Rate Increase. Seconded by Mr. Thomas. Motion passed (6-0).*

**B. 2007 Water Rate Increase**

Mr. Traylor stated as part of water conservation efforts, the Metropolitan North Georgia Water Supply and Water Conservation Management Plan now requires that jurisdictions in the District to establish a conservation pricing system. The City has already met the first step required by that Plan and now must consider the second required step in the Plan. The City of Austell now must implement a three tiered rate structure designed to encourage conservation.

To implement the three tiered rate structure required by the Metropolitan North Georgia Water Planning District, the City’s water customer records were examined to determine the average winter use of the residential customer base.

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The City of Austell’s residential customers is approximately 5,000 gallons per month. 125 percent (125%) of the average consumption is 6,250 gallons per month. Since that is not even a 1,000 gallon increment, a first tier consumption level of 7,000 gallons per month is recommended. As a second tier usage limit, the value of 8,000 additional gallons is recommended. The third and final tier then becomes all consumption over 15,000 gallons per month. By the criteria established by the Metropolitan North Georgia Water Planning District, the second tier charge should be at least 25 percent over the first tier charge. The third tier should be at least 200 percent of the first tier charge.

As recommended by our City Engineer, Keck and Wood, Inc., it is the recommendation of the Public Works Committee to adopt a three tier conservation water rate structure as follows:

<u>Inside City:</u>		<u>Outside City:</u>	
First 2,000 gallons (min. bill)	\$4.50	First 2,000 gallons (min. bill)	\$5.00
2,000 gallons to 7,000 gallons	\$2.32	2,000 gallons to 7,000 gallons	\$2.57
7,000 gallons to 15,000 gallons	\$2.95	7,000 gallons to 15,000 gallons	\$3.26
Over 15,000 gallons	\$4.85	Over 15,000 gallons	\$5.35

Financial Impact:

1. Commercial customers – this is the only group who on an average uses more than 5,000 gallons per month. The commercial group will produce approximately 71% of system revenues.
2. Industrial customers – represents less than 1% of system revenues.
3. **Residential customers – will enjoy a DECREASE over the present rate schedule. Adoption of this new structure will also help those customers that have irrigation systems installed.**

*Mr. Traylor moved to follow the recommendation of the Public Works Committee to approve the 2007 Water Rate Increase. Seconded by Mr. Thomas. Motion passed (6-0).*

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**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  
L.W.J. Builders

Ms. Boyd stated the Community Development Department has received a request from Larry Jackson of L.W.J. Builders to annex into the City property located on 6148 Veterans Memorial Highway, in LL 205, parcel 17 of the 18<sup>th</sup> District, 2<sup>nd</sup> section, Douglas County, and to rezone two (2) acres from CI-Commercial Industrial (Douglas County) to GC – General Commercial (City of Austell) with a SLUP (Special Land Use Permit) for a wrecker service. Ms. Boyd stated this would require a public hearing for annexation and rezoning. By law we will have the rezoning hearing first and at this time I would like to turn the hearing over to Scott Kimbrough.

Mr. Kimbrough stated at this time he would like to call for a public hearing and request for rezoning for Larry Jackson of L.W.J. Builders to rezone two (2) acres from CI - Commercial Industrial (Douglas County) to GC-General Commercial (City of Austell) with a SLUP (Special Land Use Permit) for a wrecker service. Mr. Kimbrough asked who was to represent L.W.J. Builders. Mr. Larry Jackson introduced himself and Mr. Kimbrough asked if anyone had signed up in opposition. Mr. Noah Givens introduced himself as opposition. Mr. Kimbrough stated to Mr. Jackson and Mr. Givens they would each have fifteen (15) minutes to speak. Mr. Kimbrough swore in Mr. Jackson and Mr. Givens.

“Mr. Jackson stated the property in question when I bought it I thought it was in City of Austell. Willie at Willie’s Wrecker Service, has approached me about buying the property and we have checked with Douglas County and we were told we could run an Automotive Service or Emission Service Center and park the cars under Douglas County zoning but you can’t leave any trucks overnight. This is the reason I came here, for Willie, to explain to you he would install a fence surrounding the property and plant some trees so it would not be an eyesore to the community. This is the reason I am here”.

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“Mr. Kimbrough asked if anyone had any questions of Mr. Jackson regarding his request to rezone from CI-Commercial Industrial (Douglas County) to GC – General Commercial (City of Austell). Mayor Jerkins stated the special use permit would allow you to park cars like an impound lot and this is why we have to issue you a special use permit. Mr. Jackson asked how long would the permit last. Mr. Graham stated the permit would last two (2) years. Mayor and Council would have to renew every two (2) years. Mr. Kimbrough stated he had a question. Mr. Kimbrough asked Mr. Jackson if the (Special Use Permit) for the rezoning one and the same request are they separate and what is your intention. Mr. Jackson explained his intention was to rezone the property with Willie purchasing the property. Mr. Kimbrough asked if the General Commercial will allow you to do this. Mr. Jackson stated, yes, it would if we have an Automotive Service Center or Emission Center. Mr. Jackson stated the property was in fact in Douglas County and I would like to rezone into City of Austell so that Willie can buy the property and have his wrecker service business at this location. Mr. Kimbrough stated I would like to ask Mr. Jackson if a rezoning is granted without the Special Land Use Permit is this o.k with you? Mr. Jackson stated if he could not get the Special Land Use Permit he would not be interested in rezoning the property. Ms. Anderson stated to Mr. Jackson, you mentioned a privacy fence and some trees. I was just wondering if you had any landscape plans for that and do you have a timeline before you are in operation. Mr. Jackson stated Willie had agreed to do this before he moved in and I have already had the fence company out and received a quote. Ms. Anderson asked about the trees again, and Mr. Jackson stated, yes, the trees would be planted, such as Bartlett pear trees. Mr. Thomas asked how high the privacy fence is. Mr. Jackson stated it would be eight (8) feet. Ms. Anderson asked if that would alleviate the problem of the trucks parked on Bankhead Highway. Mr. Jackson stated, yes, it would alleviate the problem. Mayor Jerkins asked if the zoning in Douglas County had been changed and he asked Mr. Graham if he knew. Mr. Graham stated, yes, Douglas County had changed their zoning. Mayor Jerkins stated, and it may not apply to Douglas County, if it is zoned Industrial against Residential you will have setbacks and if you have an impound lot you will have to setback (75) seventy-five feet before you can put up a fence. Mayor Jerkins stated if you start with the (75) seventy-five feet setbacks there will not be much left. Ms. Boyd stated something that really concerns me in the research is the classification of the automobile storage yard and wrecker service that defines in definition in section in the comprehensive zoning ordinance adopted by Mayor and Council on June 1, 1998, and they don’t separate the two. If I understand it properly, and from the research and speaking with my department, they are one and the same in the zoning ordinance. When it mentions wrecker it mentions automobile storage and impound lots. I think this is why the community is concerned and this is why they have called me. We all like Willie and we think he is a great guy.”

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We don't want what has happened in Marietta to happen in Austell if you come into the City that we are trying to improve and the first thing you see is an impound lot. So, if we issue a special land use permit and the same language you are talking about an impound lot, automobile storage. So we can't separate the two in zoning. Ms. Boyd asked Mr. Kimbrough if she was explaining this correctly. Mr. Kimbrough stated, yes, she was correct. Ms. Boyd stated this was the Mayor and Council's concern that we have adopted these ordinances and in the same language they are one and the same. We cannot support an impound lot. The issue is what we want to see when we come into the City of Austell. Mayor Jerkins stated when we issued a Business License it states Wrecker Service only not impound lot so he is illegal. Mayor Jerkins asked Mr. Jackson how he thought the lot looked now. Mr. Jackson stated this is why we are going to install a fence. Mayor Jerkins stated what if the fence falls down in a year and how it will look then. Mayor Jerkins stated his opinion was it needs to be in the correct zoning and not on Bankhead Highway and when you come into town and the first thing you see is an impound lot. Ms. Boyd asked Mr. Jackson again, if he was interested in the rezoning still if he did not get the Special Land Permit. Mr. Jackson stated, no, he would not be interested in rezoning if he could not get the Special Land Use Permit. Mr. Kimbrough asked if anyone had any questions at this time. No one did. "

"Mr. Givens asked Mr. Jackson where exactly the location of this place is. Mr. Jackson stated it was right there at 78 and Line Street, right there at Joe's Bottle Shop. Mr. Givens stated there was an automobile graveyard about five hundred (500) yards away. Mayor Jerkins asked Mr. Givens to address the council and not Mr. Jackson. Mr. Givens stated there was an impound lot on top of that hill. Mayor Jerkins stated it was at the end of Franklin Street and the City has had nothing but problems out of them. Mr. Givens stated he was very much in opposition of this if we are going to have a lot of cars that will be towed into the City of Austell. I think we would also have some EPA problems, such as oil problems and vermin problems. What would be the impact of all of this if the impound lot were voted in."

Mr. Kimbrough asked if anyone had any questions of Mr. Givens. Hearing none, I would like to close the hearing at this time. Mayor Jerkins stated he was against this because even if the money is spent to install a fence sooner or later it will be torn down. We already have one impound lot and we have had all kind of problems with them.

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*Ms. Boyd stated that anything Mr. Jackson does he does right. If this were in another location I wouldn't have a problem with the request. The property in question is in a high traffic extremely visible area on Veterans Memorial Highway right at the edge of the City limits. We have annexed almost to C.H. James Parkway. We are trying to cleanup this part of town and, in fact, we are trying to cleanup the entire town. The portion of the special land use is a collection of impounded and recovered automobiles and other larger machinery to be stored on this property. Having the automobile storage yard and a wrecker service right at the entrance of the city is not the type of activity that promotes the best interest of the city. We are investing hundred of thousand of dollars to upgrade the city's image in an effort to attract quality residents, businesses and tourists by participating in the downtown streetscape project and also the park at FrogRock. If you go up Powder Springs Road toward Marietta you will see the impound lot right before the square and what an eyesore it is. I just don't think from past experience, that's the reason we have zoning laws and ordinances to place these businesses and they're great businesses and they are needed and legitimate but they have to be in the right location. The looks are repulsive and do not contribute to the increase in the fair market value of properties in the area. Even with a privacy fence installed it is still clearly visible from the roadway. More than likely that usage was grandfathered in but we do not want to create this type of atmosphere within our city at this time especially when we are engaging in such progressive activity to better our city and our life. Having the property zoned GC (General Commercial) would be consistent with other properties adjacent to and in the same area along Veterans Memorial Highway. However, the operation of an automobile storage yard and wrecker service out of this property would not be consistent with the use of the surrounding properties and the City's best interest in promoting the best interest and welfare for the citizens of Austell. With these reasons, I move we deny the application request to rezone the property from CI- (Commercial Industrial) (Douglas County) to GC- (General Commercial) (City of Austell) with a SLUP (Special Land Use Permit) for a wrecker service. Seconded by Ms. Reagan. Motion passed (5-1Abstained).*

Ms. Boyd stated the next issue she had on the agenda is the request for the Annexation from Larry Jackson of L.W.J. Builders to annex into the City property located on 6148 Veterans Memorial Highway in LL 205, parcel 17 of the 18<sup>th</sup> District, 2<sup>nd</sup> Section, Douglas County to be annexed into the City as GI (General Industrial) (Douglas County) to GC (General Commercial)(City of Austell).

Mr. Jackson stated he would like to withdraw the Request for Annexation.

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Ms. Boyd I would like to turn this over to Mr. Kimbrough for a public hearing. Mr. Kimbrough stated he would like to open the public hearing in the matter of annexation into the City from Larry Jackson from L.W.J. Builders to annex property located on 6148 Veterans Memorial Highway, in LL 205 parcel 17 of the 18<sup>th</sup> District, 2<sup>nd</sup> Section Douglas County. Mr. Kimbrough asked who was present to speak from L.W.J. Builders. Mr. Jackson stated he was to speak. Mr. Kimbrough reminded Mr. Jackson he was still under oath. Mr. Jackson stated he would like to respectfully ask the Council to withdraw this request without prejudice. Mr. Kimbrough asked if anyone had any questions. No one did. Mr. Kimbrough stated he would close the Public Hearing.

Legal ads were placed in the Marietta Daily Journal on Friday, September 8, 2006, and September 15, 2006.

**B. Request for Annexation/Rezoning**

**Pat McPherson**

Ms. Boyd stated the Community Development Department has received a request from Pat McPherson of Tuscany Homes to annex into the City 8.63 acres located on Westside Road, in LL 19 and 20, parcels 12 and 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> section, Cobb County and to rezone 32.691 acres from R-20 (Residential) to (PUD) (Planned Unit Development). This rezoning is for a proposed subdivision that will consist of 48 homes with a projected density of 2.80.

Legal ads were placed in the Marietta Daily Journal on Friday, September 8, 2006, and September 15, 2006.

Ms. Boyd stated she would like to turn the public hearing over to Mr. Kimbrough, City Attorney. Mr. Kimbrough stated he would like to call a public hearing for application of rezoning from Pat McPherson of Tuscany Homes 32.691 acres from R-20 (Residential) to (PUD) (Planned Unit Development). This rezoning is for a proposed subdivision and will consist of 48 homes with a projected density of 2.80. This application was sent in by Pat McPherson of Tuscany Homes. Mr. Kimbrough asked who was present to represent Tuscany Homes. Mr. Kimbrough stated Mr. Givens had signed up to speak in opposition.

“Mr. Kevin Moore stated he was present on behalf of Pat McPherson of Tuscany Homes. Mr. Moore stated the application was for rezoning and also an application for annexation for a portion of that tract. This is a total of approximately 32 acres and of that total acreage about 8.63 acres is being submitted for annexation into the city which is a little over twenty-four acres which is already in the City of Austell.

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The application is to rezone the tract to (PUD) Planned Unit Development zoning category) for development of the subdivision for no more than forty-eight (48) homes. In case your not familiar with Mr. McPherson's name, he is also developer of the City of Austell most recently which is Cureton-Woods subdivision which is located adjacent to Garrett Middle School across from the Fire Station. I am sure you will all agree it is a quality subdivision and very nice. From my estimation he made good on the promises he made with that development. It has been an outstanding development and a success with the quality of homes there and I think it has been established Mr. McPherson will stand by his word. We developed part of that zoning process very extensive list of stipulations and we have a very similar list of stipulations that we have agreed to working with your staff and been presented in a letter dated October 2, 2006. This has been included in a staff report dated September 25, 2006. Mr. Moore presented a site plan and reviewed the plan with Mayor and Council. You will see in our stipulation letter the types of stipulations we have agreed to will ensure the quality of the homes and the quality of the development similar to Cureton-Woods. In particular, in paragraph four, we have agreed to a maximum of twenty-five percent (25%) of the homes will be (1800 sq.ft.) eighteen hundred to two thousand square feet (2000 sq.ft). A maximum of the twenty-five percent (25%) of the homes will be two thousand point four square feet (2400 sq. ft). Fifty percent (50%) of the homes will exceed twenty-four hundred square feet (2400 sq.ft.) What you see is a good spread of home sizes and therefore will translate into good sizes and prices and at least half of the homes will be twenty-four hundred feet (2400 ft.) or greater. Objective price points resulting from that will be starting homes ranging from the two twenty's (220's) to two fifty's (250's) and going up to the high two hundreds (200's). I will give you some contexts. This is the same price point we said for Cureton-Woods and now those homes are in the three hundreds (300's). They started in the mid to high two hundreds and moved right on up. I think what you can see is that the homes there have appreciated in value. More importantly the amenities that are going into those homes. Also, in this stipulation letter we have agreed to the exterior of the homes to be brick or stone and also the homes will have a water table of brick or stone to go around three sides of the home and sodded yards. We are building quality homes to assure the City and City Staff of what will be built there. I think part of this is the proof is in the pudding. In addition, we have agreed to comply with the PUD requirements as it relates to a mandatory Homeowners Association, as it relates to installation of utilities and other developmental issues, such as sidewalks and waterlines, etc. I think these are important too with the PUD requirements for the subdivision and they are designed that way for a reason. Again, this is an area much like Cureton-Woods to raise the bar higher. We think this is a quality subdivision, one the City can be proud of and we think it fits the future growth needs. Certainly, with the stipulations in place and with the City Staff working with us it will prove to be a success and I recommend approval. With that, I am here to answer any questions, and thank you for your consideration."

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Mr. Green asked Mr. Moore if he had any house plans with him. Mr. Moore answered, no current house plans to show at this time. Mr. Moore explained to Mr. Green the homes would be like the ones existing in Cureton-Woods. Those are the same types of stipulations that were put in place and will control how they look as to their overall appearance and they will be traditional homes. Mr. Green asked if the homes are two-story or ranch homes. Mr. Moore stated they would be traditional two-story homes. Some will have master bedrooms on the main floor and some will have three to five bedrooms on the different floor plan arrangement. Ms. Boyd stated to Mr. Graham, in the list of stipulations, that the city staff will approve the design of the homes and the elevation. Mr. Green stated he was against the two-story homes because they are for kids and when the kids grow up the adults sell the houses. I really don't like to see that many come into the City of Austell. Ms. Boyd stated the market dictates what should be built and what the demand should be, such as two-story or ranch homes. I think that we have had a mixture of both that have come into the city. I have worked with this developer closely as well as Ms. Reagan because this is her area and we have been very satisfied with the outcome. Mr. Moore stated he would like to add one of the important pieces to this with a PUD type of development is the stipulations to the home sites. We will have twenty-five percent (25%) of all homes to be eighteen hundred (1800 sq. ft.) to two thousand (2000 sq. ft.) square feet. Twenty five percent (25%) of all homes to be two thousand feet (2000 sq.ft.) to twenty four hundred square feet (2400 sq. ft.). and fifty percent (50%) to be twenty four hundred square feet (2400 sq. ft.) or better and this is a good mixture. Mr. Green asked Mr. Moore what would be the percentage of homes that would be ranch styles. Mayor Jerkins reiterated the above statement, again. Mr. Green stated the extreme amount of two-story houses is not good. I think we need to build more for the seniors without the steps to climb. Ms. Anderson stated she was concerned about the City of Austell because we have five developments right now that haven't started building yet and has not broken land. I am very concerned with crowded our city. I do not want to see everything explode at one time and try to go back and control this as opposed to gradual growth. At one time we had a moratorium and since we have lifted this it has been a flood of developers coming into Austell. It just concerns me and this is the only comment I have. Mr. Kimbrough asked if anyone had any further questions or comments. No one did. Mr. Kimbrough asked the opposition, Mr. Givens, to come forward and reminded him he had fifteen minutes to speak.

Mr. Kimbrough swore in Mr. Givens. "Mr. Givens stated he had looked at the density and there is no space to fit a swing set behind or in front of the house. Twenty percent of these houses, the sidewalks are five feet from them. The distance between these homes are very dangerous because if you had a fire and a breeze they would all burn. The plan looks like it is on a flood plain.

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Mr. Givens stated if the slab moves the plumbing and everything else will slide. Ms. Boyd informed Mr. Givens these are not slab homes, they are foundation homes. Mr. Givens stated again the density for these homes and if maybe half of the density it would be room for the children. My problem is the density being this close. I realize these are very expensive homes and my concern would be are we doing the right thing for our people. Especially with one good fire or flood and this could happen". Mr. Kimbrough asked if anyone else would like to speak. No one spoke. Mr. Kimbrough stated he would close the public hearing for the request for rezoning.

*Ms. Boyd moved to follow the recommendation of the Community Development to approve the request from Pat McPherson of Tuscany Homes to rezone 8.63 acres located on Westside Road in LL 19, and 20, parcels 12 and 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> section. Cobb County and to rezone 32.691 acres from R-20 (Residential) to (PUD) (Planned Unit Development). This rezoning is for proposed subdivision that will consist of 48 homes with a projected density of 2.80. Ms. Boyd read the Proposed Building Stipulations (Please see attached sheets). Ms. Boyd asked Mayor Jerkins if he had anything to add. Ms. Boyd asked if anyone had any questions. Ms. Anderson stated she had one question concerning number sixteen, the front setbacks I have front setbacks to be thirty feet (30 ft.) and the side setbacks to be seven and a half feet (7 ½ ft.) or a minimum of fifteen feet (15 ft.) between homes. I do not have the back setbacks. Ms. Boyd stated the back setbacks will be thirty feet (30 ft.). Ms. Anderson stated she did not have this in her copy of the stipulations. Mr. Graham apologized for the mistake on her copy. Ms. Boyd stated as part of her motion she would like to make the stipulations as read part of the minutes. Mr. Kimbrough stated a letter received from Mr. Moore's firm on the stipulations should be part of the minutes and motion. Ms. Boyd stated as long as they agreed with all the stipulations made by the City of Austell that would be o.k. Seconded by Ms. Reagan. Motion passed (5-1 against). Mr. Green voted against.*

Ms. Boyd stated the Community Development Department has received a request from Pat McPherson of Tuscany Homes to annex into the City 8.63 acres located on Westside Road, in LL 19 and 20, parcels 12 and 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County. This is the only piece that needs to be annexed, the remainder is already in the City of Austell. This is the little island we previously talked about. Ms. Boyd stated she would like to turn the public hearing over to Mr. Kimbrough. Mr. Kimbrough stated he would like to call the public hearing for a request from Pat McPherson of Tuscany Homes to annex into the City 8.63 acres located on Westside Road, in LL 19 and 20, parcels 12 and 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> Section, of Cobb County. Mr. Kimbrough asked who was present to represent Pat McPherson.

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Mr. Moore stated he was present and would like to request annexation for 8.63 acres located on Westside Road, in LL 19 and 20, parcels 12 and 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> section of Cobb County. Mr. Kimbrough asked if anyone had any questions. No one did. Ms. Boyd asked to close the hearing. Mr. Kimbrough stated the hearing is closed.

*Ms. Boyd moved to follow the approval of the annexation into the City 8.63 acres located on Westside Road, in LL 19 and 20, parcels 12 and 13 of the 19<sup>th</sup> District, 2<sup>nd</sup> section, of Cobb County. Seconded by Mr. Traylor. Motion passed (6-0).*

**C. Fee Increase**

**Building Permit**

Ms. Boyd stated due to rising construction costs the Community Affairs Department is requesting approval to raise the City's Building Permit fees to reflect those of Cobb County. The changes will be as follows:

<b><u>City's Permit Fees</u></b>	<b><u>Cobb County's Fees</u></b>
Heated sq. ft X \$45.00	\$65.72
Unheated sq. ft. x \$20.75	\$15.00
Total const. cost x \$3.50 per \$1,000.00	x \$4.50 per \$1,000.00

In order to be totally in line with the County, the City will lower our unheated square footage calculation to the \$15.00 fee charged by the County.

*Ms. Boyd moved to follow the recommendation to approve the Fee Increase for Building Permit. Seconded by Mr. Thomas. Motion passed (6-0).*

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

**A. Executive Session – Legal Matter**

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

**15. MAYOR'S REPORT**

**A. CMA MEETING**

**DATE: October 10, 2006**  
**TIME: 6:30 P.M.**  
**LOCATION Acworth**

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B. Underage Drinking Task Force Proclamation

Mayor Jerkins presented the Proclamation to Cobb Representative.

C. Jim Cole's Resignation from Gas Board

Mayor Jerkins stated Jim Cole has resigned from the Gas Board and is moving to Ringgold, Georgia.

D. Replacement for Mr. Cole – Delton Wilder – Gas Board and City of Austell Public Facilities Authority

Mayor Jerkins stated he would like to recommend Mr. Delton Wilder to replace Mr. Jim Cole on the Gas Board and the Public Facilities Authority.

*Ms. Boyd moved to follow the recommendation to approve Mr. Delton Wilder as replacement for Mr. Jim Cole. Seconded by Ms. Reagan. Motion passed (6-0).*

E. PSC (The Providence Services Corporation acquiring Probation Services from MAXIMUS

Mayor Jerkins stated MAXIMUS is selling to another company called PSC (The Providence Services Corporation. They will be serving over thirty states and will keep the same employees that are in place now.

*Ms. Anderson moved to follow the recommendation to accept PSC (The Providence Services Corporation) to take over the agreement between MAXIMUS and the City of Austell to serve as Probation for our City. Seconded by Mr. Traylor. Motion passed (6-0).*

Mayor Jerkins stated he would like to thank Ms. Kirsten Anderson for the great job she did on the Yard of the Month project. Also, I would like to thank the Council for their vote against the zoning on the wrecker and impound lot. We are trying so hard to make our City much nicer and this certainly would not help us. Mr. Green stated and asked about the Halloween Festival. Mr. Graham stated the City would be having more rides and a lot more participation and should be the best ever. Mr. Thomas asked if the City needed additional volunteers for the festival. Mr. Graham stated it looks like we will have enough volunteers this year. The buses have been notified already and they will be ready to help us.

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**16. ADJOURN**

*Ms. Boyd moved to follow the recommendation of Mayor Jerkins to adjourn. Mr. Kimbrough stated Mr. Traylor recused himself before the Executive Session. Seconded by Mr. Traylor. Motion passed (6-0).*