

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, MARCH 6, 2017**

Present: Mayor Joe Jerkins
Valerie Anderson
Ollie Clemons
Randy Green
Sandra Leverette
Scott Thomas

Absent: Kirsten Anderson
Randy Bowens

The regular meeting of the Mayor and Council was held on Monday, March 6, 2017 at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Sandra Farmer, City Clerk; Elizabeth Young, Assistant Director, General Administration; Denise Soesbee, Finance Director; Jim Graham, Community Development Director; Pat Maxwell, Fire Chief and Bob Starrett, Police Chief.

1. CALL TO ORDER

Mayor Jerkins gave called the meeting to order and Reverend David Pearce gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins asked if anyone had any items to add to the Agenda. Mr. Ollie Clemons stated he would like to add 7B. – 2015-16 Budget Revision.

Mr. Scott Thomas moved to follow the recommendation of Mayor Jerkins to approve the added Item 7B. – 2015-16 Budget Revision to the Agenda. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

Mayor Jerkins presented Kris Hornback with a five (5) year Pin. Mayor Jerkins thanked Kris for all his hard work. Mayor Jerkins presented Armando Cipriano, Police Department with a ten (10) year pin and thanked him for his dedication and hard work. Mr. Clemons, Mayor Pro-Tem presented Armando Cipriano with a ten (10) year plaque and thanked him for his service. Mayor Jerkins presented Beth Lefevers, 911 Operator with a pin and thanked her for her service and told her what a great job she has done. Mr. Clemons presented Ms. Lefevers with a ten (10) Plaque and thanked her for her service.

2. CONSENT AGENDA – INFORMATION AND UPDATE

(No Action Required by Council – See Specific Department Director before a Meeting.)

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$1,735.00
- C. Approve Minutes of Regular Council Meeting February 6, 2017

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Mr. Clemons moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Valerie Anderson. Motion passed (5-0).

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to the Mayor and Council. Ms. Monica Delancy stated her name and stated last Thursday was Read Across America and our schools have been doing different projects. A number of officials have been going to our schools. Also congratulations to Austell Elementary School they have a partnership with the Cobb County Police Department as an intern program. March is Women's History Month and I would especially like to congratulate our women elected officials.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting. Mr. Kimbrough stated we are probably done with the cold weather except maybe a couple of spurts here and there. As I mentioned before and a lot of you were not here last week. Last winter was one of the warmest winter's we have had in January and February since 2011 and 2012. This year February was the warmest since 1876. We are hoping that year will be a little bit better and not set anymore records like that. Because of that gas prices are stable and not much going on in the Southern part of the State and much colder weather in the Northern states.

7. FINANCE REPORT

OLLIE CLEMONS, CHAIRPERSON

Denise Soesbee, Finance Director

A. Financial Report

B. 2015-16 Budget Revisions

Mr. Ollie Clemons stated the purpose of this is to amend the original 2015-16 Fiscal year budget. Attached is a list of the proposal budget revisions for the 2015-16 Fiscal Year. These revisions are to bring the proposed budget in line with actual expenditures.

Mr. Clemons moved to follow the recommendation of the Finance Committee to approve these 2015-16 Budget Revisions. Seconded by Mr. Thomas. Motion passed (5-0).

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**8. GENERAL ADMINISTRATION
SANDRA LEVERETTE, CHAIRPERSON
Sandy Farmer, City Clerk**

- A. No Report

**9. POLICE DEPARTMENT
OLLIE CLEMONS, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
B. Code Enforcement Report

**10. FIRE DEPARTMENT
RANDY GREEN, CHAIRPERSON
Pat Maxwell, Fire Chief**

- A. Fire Report

**11. PUBLIC WORKS DEPARTMENT
KIRSTEN ANDERSON, CHAIRPERSON
Randy Bowens, Public Works Director**

- A. No Report

**12. PARKS DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director**

- A. 5 Year Pin Presentation – Kris Hornback

**13. COMMUNITY DEVELOPMENT
VALERIE ANDERSON, CHAIRPERSON
Jim Graham, Director**

- A. Rezoning – 5810 Maxham Road, LL 28 & 29, Parcel 5 of the 18th District, 2nd Section of Cobb County from NS to FST.

Ms. Valerie Anderson stated the Department of Community Affairs has received a request from Venture Homes, to rezone the property located at 5810 Maxham

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Road, in LL 28 & 29, parcel 5 of the 18th District, 2nd Section of Cobb County from (NS) Neighborhood Shopping District to (FST) Fee Simple Townhouse residential district. Ms. Anderson stated she would like to turn this over for a Public Hearing.

Mr. Kimbrough, City Attorney stated at this time I would like to call for a Public Hearing for a request by Venture Homes to rezone the property located at 5810 Maxham Road, in LL 28 & 29, parcel 5 of the 18th District, 2nd Section of Cobb County from (NS) Neighborhood Shopping District to (FST) Fee Simple Townhouse residential district. Who is here to speak on behalf of Venture Homes?

Mr. Sean Randall stated his name and Mr. Kimbrough asked Mr. Jim Graham if anyone had signed up in opposition. Mr. Graham stated no one had signed up to speak in opposition. Mr. Randall was sworn in by Mr. Kimbrough, City Attorney.

Mr. Sean Randall thanked the Mayor and Council and stated he was very pleased to be present at the meeting. I would like to review briefly our project on Maxham Road for you. I think the Council was given a stipulation letter (Please see attached letter & photos) and I certainly will not try to read it all. It does have some key points that we think are very important to the project. We are very excited about this parcel and very pleased to be here tonight. Just briefly about Venture Homes, we have been building homes in Atlanta for thirty (30) years. Mr. Bob White our CEO and Founder started with one home off of Cooper Lake Road in 1984. We currently have a project in the City of Austell, Sweetwater Manor. The last time I looked it was approaching thirty closings in 2016. As this Council may well know for eight (8) years or so, it sat dormant. We have resurrected that project and it is doing very well. It is in the one eighties (180's) or one nineties (190's) single family detached and we are very excited about that. We have implemented several projects in the City and we are very excited. Depending on what report you read we are probably the second or third largest home builder in Cobb County. We are headquartered in the City of Marietta. We are so proud to be part of the County and we look forward to serving Cobb County for many years to come. Last year we closed two hundred homes. Around the recession we were around four hundred to four fifty a year and that number went to twelve a year. We did suffer like a lot of the builders and developers but we still maintained the same company. We did not sell fifty (50%) to a private equity firm. Mr. Bob White still owns a hundred percent (100%) of the company. Like I said we built about two hundred homes in 2016. Our goal is around three hundred (300) in 2017.

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Sixty percent (60%) of those homes are constructed in Cobb County. Specifically, about this particular project the site is about eight and half acres a rectangle piece on Maxham Road. We are kind of sandwiched between a church and a mobile home park. We have planned fifty-two simple townhomes. I do have a black and white site plan on Maxham Road and the trailer park actually sits here on the north side and the church is on the south side. The colored site plan I have is a little bit easier to read. Here is Maxham Road the project is right in and right out. The site is only two hundred and forty feet wide so we are very limited from a land planning standpoint of what we can do. Unfortunately, there is not a lot of modulation of the road basically come down and there is a cul-de-sac here and you can come back out and the product is in six unit buildings. They all have their own driveways. Each unit is a two car garage which we think is very important. Keep the neighborhood looking nice and we do have stipulations in the zoning letter which we will go over. The homeowner cannot not convert the garage into living space because it is against the covenants to do this. This back here is the flood plain and the gas pipeline is in the back and the City sewer is also in the back and that will be where we will be tying in. Anyway, we are very excited about this. It is an opportunity to do product that we currently build. I talked about Sweetwater Manor closing twenty-eight (28) to thirty (30) homes. We have a project in Woodstock, GA off of Highway 92, and this is the actual product and its unit wise it is the most successful project in 2016 and we sold forty-seven units there. Each home has a separate front entry garage, has brick board and batten depending on the architectural style. There is photos in your packet and I hope everyone can see the product we are proposing. The application actually says sixteen hundred square feet is the minimum. These homes are over seventeen hundred square feet and actually seventeen twenty, seventeen fifty and we have the capability to take them larger if necessary. These homes currently sell in Woodstock for one-sixty or one seventy. Our plan is to charge in the one seventies or one eighties. This is where the starting price will be here in the City of Austell. The siding on these homes are basically bug free. They don't eat it and it doesn't rot and there is a fifty year warranty on the product and it is state-of-the art. All the lap siding and all of the board batten and all of the cedar shake is a great product. It is not like the press board like you saw in the nineties. These are things I have highlighted in the stipulation letter. Feel free to ask any questions or concerns you may have. Again, fifty-two units and we were zoned to this particular site plan that is attached. We think this will add about nine and half million dollars to the tax base here in the City of Austell.

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The architecture is consistent with what we are showing here brick on the front and some houses have more brick than others. We find that if they are all brick they start looking like little castles. We like to soften it up with batten, cedar shake and etc. Driveways will be twenty-five (25) feet long and sixteen (16) feet wide. You will be able to park two (2) cars in the driveway and two (2) cars in the garage. Two (2) cars very easily in the driveway. A standard parking space I think is nine (9) by twenty (20) so we will have at least twenty-five (25) feet behind the sidewalk or behind the curb. There is a mandatory Home Owners Association and everyone has to belong. Once it is up and fully running the HOA will take in at least seventy-five (75,000) thousand dollars a year. That sounds like a staggering number and it is but, the HOA is responsible for all the exterior maintenance of the landscape. Let me say why this is important. We will irrigate and landscape front, sides and rear of every townhome unit. We will also irrigate and landscape the front entryway as well as all the way down Maxham Road. The bushes and the trees stay green as well as the grass and all that has to be mowed and maintained. While these are fee simple town homes that guys like me who get very busy who may not have time to cut my grass it will be all taken care of. They will come out and do the whole subdivision at one time even if it takes two days to do this. You will not have five or six units who take care of their unit and then one guy that has grass 3 feet tall. That will not happen. The mechanism is setup to where everything is maintained as far as the landscaping side. The other thing about the mandatory HOA is the Code Enforcement. We are very sensitive to the Winnebago setting out front. If it doesn't move in an x amount of days they will receive a letter from the HOA. Or, if a big amount of plastic flamingos start descending on the lots again, the HOA can step in and take care of that. If you want to paint your home in ten years you would have to get the colors approved by the HOA. On these townhome developments what we have done is pre-set all the colors and if you come in and say I want this yellow on my townhome you would have to take Lot 22 or perhaps wait till another one became available. You cannot pick your own colors. This makes for a very nice community and helps hold the values. Item number eight (8) no more than fifteen percent rental. Mr. Graham had asked me if I would take that down to ten percent. I will follow the Council's lead on this. My opinion it needs to be north of zero. There is hardship cases for instance if we sell to a military person and they get shipped to Fort Bragg and they are not planning on coming back to Atlanta then they don't have to sell their unit. We do not want this to be a rental community. We had investors come to buy and we didn't sell to them. We sell to third party home buyers who want to own a home. Ms. Valerie Anderson stated she agreed with Mr. Randall on having some of the homes as rentals.

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Because sometimes we have nurses who move here and they are on a contract basis. They may work for a year on a contract maybe with Wellstar. But, if they are looking for somewhere to rent it would be good to have a few of them to rent. Mr. Randall stated yes, I agree within reason. I do think too many and that could present a problem in terms of the maintenance and what it would look like. We are very concerned about how the units look ten years down the road. The street lights will be approved by the City and four foot sidewalks on the opposite side of the street and opposite the water line. We want it to be pedestrian friendly as possible. Obviously, we will use City water, sewer and gas as is typical with residential projects here in the City of Austell. With that I will answer any questions you may have. Mr. Randy Green asked if there is a decel lane in front of the project. Mr. Randall stated typically what the County requires on all of our projects and I don't know if it is County or City D.O.T. Mayor Jenkins stated it is actually a State road. Mr. Graham stated the County will require one. Mayor Jenkins stated they are very strict on that. Mr. Green stated that particular area I know you would need it. Mr. Randall stated we will gladly do this and whatever is necessary. It is in our budget and I am sorry I didn't mention it earlier. I really don't know what the engineering will be. We do know that a project which is a couple of miles from here and we did units there and had to put in a decel lane and plus it is a safety issue. We have to follow whatever D.O.T. tells us to do. Mr. Green stated I didn't read into that part but are they two bedroom or three bedrooms. Mr. Randall stated they are all three bedrooms and two and half baths. It is the standard plan on all the units. What happens is the garage and you enter in the front door and all the living area and then the kitchen and eating area and family room and powder room on the main level. Upstairs is the master bedroom with a master bathroom and the other two bedrooms with a hall bathroom between the two bedrooms. Every now and then we get a call for two master suites upstairs. This is pretty rare because most people want the three bedrooms. If they don't have children or they want to make an office out of one of the bedrooms. Ms. Sandra Leverette asked Mr. Randall how do you determine the HOA fees for the townhomes. Mr. Randall stated all of our townhomes are professionally managed. The firms are much better at it than we are. Once we get a community approved it goes through the engineering and get things setup. That firm's attorneys drafts all the HOA documents and they look around and say what is a typical 52 unit community and the product in the high one hundreds. Things they will have to maintain such as the entry, landscape around the buildings, and the detention pond. The streets are public streets and so again they look at that. We just did a forty-two townhome community in Cobb County a couple of miles away and priced in the one-seventies or one-eighties.

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I think those dues are around a hundred and forty dollars a month. This is how I got to the seventy-five thousand because I took a hundred and twenty multiplied by twelve and multiplied by fifty-two (52) units and that is how I came up with seventy-five thousand. We will set that and let the HOA manage that for us. The other thing that we typically do we charge an initiation fee of three or four hundred and that all goes into a bank account. So when we turn it over to the HOA they will already have fifteen thousand dollars in the bank. If it is five hundred it would be about twenty-five thousand dollars. We will do something on the advice of our professional third party HOA Management Company. So that we always leave them with a little kitty in the bank. Well, the third party Management Company puts it in a bank account. This way if there is something that needs to be done or if the homeowners want to do something they can. Ms. Leverette asked if there would be a pool and tennis court. Mr. Randall stated no pool or tennis court. What we find is unless you have a hundred plus units the burden of a pool is just too great. In other words the cost of maintaining a pool is just too great and too costly. We have that problem now in South Fulton. The pool has sat there for six years with chemicals in it and the pump house is a mess. The HOA hasn't had enough funds to properly maintain it. The cutoff is typically one hundred units. Ms. Leverette asked if the units are gas or electric. Mr. Randall stated it is typically gas heating, gas hot water, and gas stoves. Gas cooktop and electric oven and we have a fire place where it is gas also. The fireplace has gas logs and you flip a switch. Mr. Green asked if the fireplace was non-vented. Mr. Randall stated no, it is vented. Because it is inside the unit you have to do certain things. Mr. Green asked does the HOA have a limit on how many people can live in a unit. Mr. Randall stated he didn't know if you could stop how many people live in a unit. I would defer to the Attorney on that one. Mayor Jerkins stated we have an ordinance on this. Mr. Randall stated we do not get involved in that matter. What we do get involved with is all of a sudden there are seven cars parked outside the unit then we would get very involved in this situation. Mayor Jerkins stated we haven't discussed streetlights. Mr. Randall stated it is in the documents and we will do street lights per Greystone Power Corporation. It will be to the city standard and there will be down lights and environmentally sensitive. Mr. Graham stated I did not see in the stipulation letter on number twelve (12) after you turn the streetlights over to the homeowners it should be up to them to maintain the power. Mr. Randall stated, absolutely. Mayor Jerkins stated normally the City of Austell pays for the street lights but it is getting so expensive that we are going to make some changes. Mr. Randall stated whatever is required and standard by the City we will do. Mr. Randall stated it depends on some communities where the HOA writes the checks for the streetlights.

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We will insist on whatever code you require. Mr. Graham asked do you think the homeowners could pick up that cost after one year. In number twelve you state the applicant will fund the first year of light operations. Mr. Randall stated once we complete whatever restrictions the HOA have they will have to pick that up. Mr. Graham stated they have in the stipulation letter the homeowner will fund the first year for the streetlights. At the Planning and Zoning meeting it would be turned over to the homeowners permanently. Mayor Jerkins stated make that part of the stipulation letter. Mr. Randall stated we will work with the staff on that. Ms. Valerie Anderson asked if there was an area for a bus stop for the children. Mr. Randall stated we will have to talk about that when we get to the engineering. There is a cul-de-sac in the back for safety purposes and I have no control over Cobb County schools. I am concerned because I know how busy Maxham Road can be. I am afraid that bus will pull off in the decel lane and try to pick up the kids. I am hoping we can get them to pick up in the cul-de-sac but I don't know depending on Cobb County School System. Mr. Kimbrough asked if anyone had any questions for Mr. Randall. Mr. Graham asked Ms. Valerie Anderson if this is approved could we make these stipulations part of the approval process. Ms. Anderson stated, yes. Mr. Kimbrough asked which stipulations you are referring to. Mr. Graham stated the letter dated March 6, 2017 from Venture Homes in reference to the streetlights. Mr. Kimbrough stated also the other issue rental percentage either ten (10) or fifteen (15) percent whichever you prefer. Mr. Clemons stated I think ten percent is what we were looking at. Mr. Randall stated and that is fine. We drafted these letters so they would be part of the zoning agreement. Mr. Kimbrough asked if anyone else had any questions for Mr. Randall. Mr. Clemons stated no more questions, but I like the product and I think it will be a welcome addition to the Austell community. Mr. Graham stated we have had good luck with Venture Homes, for a number of years. They have had a number of projects throughout the City and we have been pleased with their quality of work. Ms. Valerie Anderson stated I have seen a couple of their properties like the one they are building on Austell Road and Hicks Road and it looks really good. Mr. Randall stated those are selling for one seventy and one eighty. Mr. Kimbrough stated if no other questions, we need a motion to close the Public Hearing.

Mr. Clemons moved to follow the recommendation of Mr. Kimbrough to close the Public Hearing. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

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Ms. Valerie Anderson moved to follow the recommendation to approve the rezoning of 5810 Maxham Road, LL 8 & 29, Parcel 5 of the 18th District, 2nd Section of Cobb County from NS to FST with the stipulation letter of the following: 12. Any street lights installed by the appropriate power company within the proposed community shall have down lighting, shall be environmentally sensitive, and shall be as approved by the City Council. Applicant will fund the first year of light operations as is the typical standard for the City. After the first year the HOA will fund the light operations. 8. The HOA covenants shall limit the number of rental units to not exceed ten (10) % percent of the total number of units in the community or such percentage as approved by the Mayor and City Council. Seconded by Ms. Sandra Leverette. Motion passed (5-0).

14. ATTORNEY, DUPREE & KIMBROUGH

A. Extension of Hotel/Motel Tax

Mr. Kimbrough stated this is currently in existence the Hotel/Motel Tax and goes through the year 2028. A portion of all the proceeds from the Hotel/Motel Rentals on the revenues they receive will go to the Cobb Galleria Center for events and that sort of thing. It will help fund the entertainment part of the Galleria Center. This was just an Amendment to that to extend it from 2028 to 2058. This has already been executed by the Mayor and presented to them. Basically, the cities signing on board for the legislator to see that all the cities in Cobb County are in favor of extending this.

Mr. Clemons moved to follow the recommendation of Mayor Jerkins to approve the Extension of Hotel/Motel Tax. Seconded by Ms. Valerie Anderson. Motion passed (5-0).

15. MAYOR'S REPORT

A. CMA MEETING	APRIL 11, 2017
TIME:	6:30 P.M.
LOCATION:	To Be Determined

16. ADJOURN

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Valerie Anderson. Motion passed (5-0).