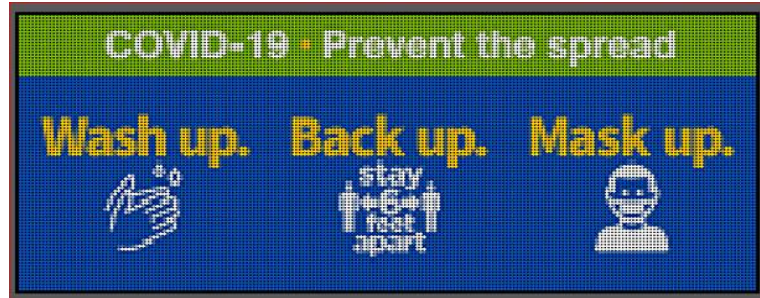




MINUTES
CITY OF MCDONOUGH
CITY COUNCIL
SPECIAL CALLED MEETING
CITY HALL – 136 KEYS FERRY STREET
MAY 25, 2021
6:00 PM



The Special Called Meeting of the City of McDonough City Council was held on Tuesday, May 25, 2021, at 6:00 p.m. This meeting was called to discuss the Hamilton Pointe Subdivision.

Mayor Copeland called the meeting to order at 6:00 p.m.

The City Clerk Ms. Janis Price called roll for the meeting, as follows:

Mayor Billy Copeland	Present
Mayor Pro Tem Craig Elrod	Present
Councilmember Benjamin Pruett	Present
Councilmember Roger Pruitt	Present
Councilmember Rufus Stewart	Present
Councilmember Kamali Varner	Present (arrived after meeting began)
Councilmember Sandra Vincent	Present

Others in attendance were: City Administrator, Mr. Preston Dorsey; City Attorney, Mr. Jim Elliott; City Clerk, Ms. Janis Price; Deputy Fire Chief, Mr. Dave Williams; Community Development Director, Mr. Charles Reese, Building Official, Mark Dobson; Network Administrator, Mr. Brian Linton; Police Chief, Ken Noble; and Kathy Story, Open Records from the Clerk's Office.

Mayor Copeland called for a motion to approve the Agenda. Councilmember Stewart motioned and Councilmember R. Pruitt seconded. The vote was six in favor. Those voting in favor were Mayor Copeland, Mayor Pro Tem Elrod, Councilmember B. Pruett, Councilmember R. Pruitt, Councilmember Stewart and Councilmember Vincent. Councilmember Varner had not arrived at the meeting.

Councilmember B. Pruett led the Pledge to the Flag; and Councilmember Sandra Vincent gave the Invocation.

Mayor Copeland called on the City Attorney for any comments and Mr. Elliott gave a brief history:

- Property was originally zoned in 2003
- Plat approved about 2 years thereafter
- Since then there have been some changes in the zoning ordinance and in the building codes
- Earlier this year, 20 stop work orders were issued because the construction was not similar to the plans which had been submitted to the City and were approved
- The builders are appealing the 20 stop work orders
- The hearing will be heard by the “Construction Court” which is the Board of Zoning Appeals designated in the Zoning Ordinance
- Since there is potential litigation from the builders and from the Hamilton Pointe residents, general questions will be answered and at some time further out other information may be released.

Mayor Copeland called on the City Administrator and Mr. Dorsey said that the City will address the concerns as soon as possible.

Mayor Copeland called on Councilmember Vincent and she said that she hoped that tonight’s meeting is more than just a listening session that the elected officials are obligated to respond to the citizen questions.

Mayor Copeland called on the following persons who wished to speak at tonight’s meeting:

Ms. Tequela Crawford, 129 Hamilton Point

- Been at Hamilton Pointe since June, 2008, one of the first to purchase a home in subdivision, 3-sides brick home, Scenic Homes was the builder
- Other homes being built in the subdivision are not commensurate with earlier homes
- This home was an investment for her family
- Not feeling like valued members of the community
- Houses are colors of a barnyard and some house are eye sores
- Streets are unkempt and dirty, and homes not finished
- She understands about phases and understand about the back phase
- A stop work order has been issued and then we see building going on
- Wants the community to be nice and stay nice
- Do not have problem with the different phases and different size houses in specified phases
- Security man not doing anything but riding around
- Community wants help and City is not communicating, residents want action not just talk

- Wants the City to support the residents because some of the resident are ready to sell and move

Ms. Michele Holder, 145 Hamilton Pointe

- Her concerns are as she stated when she has spoken at previous council meeting
- She has been at Hamilton Point since 2009
- Wants to keep in the original developmental phase
- City has had no further communication with the residents of Hamilton Point
- Their attorney told them that homes were wrapped to protect the wood because of the stop work orders, but now there have been added roofs, stair wells, windows- all completed and ready for the facade.
- Took original plat to Henry County Planning/Zoning to review, and the developmental phase is not adhered to; there are lots on lots that are not lots
- Century Homes thought they could do what they wanted to do; City not holding Century builders accountable; they are dropping materials at 4:00 am and not adhering to the Ordinance, and where is City Code Enforcement about this
- If this had been a white subdivision, this would not have happened
- As soon as you come to the stop sign the house are so small you see through them
- Glad that Hamilton Point made the Atlanta Journal/Constitution
- You speak about the builders' litigation, the Hamilton Point residents are very serious about litigation also; we are not going to be swept under the rug
- Homes are eye sores and the residents expect city officials to step up to do the right thing, because Hamilton Point residents are taxpayers and you are responsible

Ms. Traci Roman, 171 Hamilton Point

- She is concerned about the previous issues brought up, but another issue she would like to bring up is the amount of 209 zoned lots, 109 are occupied by home owners, 99 appear to be owned by investment companies and 48 are rentals currently, that percentage is way too high for rentals\
- If the investment company rents all 99, the percentage will be 52% homeowners and 48% investment properties for rentals
- HOA states that only 25 % should be rentals
- She did not move from Brooklyn, NY to McDonough to live in a rental subdivision; nothing wrong with renters but they don't take as good care of property and they park on the street and bring other issues
- Some homes are not listed but people are living in them
- How did this happen, the rental percentage is way too high?

Ms. Amma Williams, 525 Overo Drive, new phase

- She agrees with what has already been said
- When they bought into the subdivision, they did not expect this high percentage of renters

- They bought their home as an investment based on the homes in the beginning of the subdivision
- 50% of the other side of her street are renters, they do not keep their homes and they do not keep the pool, trash everywhere
- Her children do not want to go to the pool because it is not kept clean
- Renters do not take pride in the community
- Was told that they were only going to be 170 lots
- No one cares but they still have to paid the homeowners association dues

Ms. LaTra Guerra, 384 Hamilton Pointe

- For her family, this is their first time as home buyers and they had their home built and they have two small children
- Before being a stay-at-home Mom, she worked in property management for over 10 years
- She knows about tax credits and section 8 housing
- Community demographics are changing and it is not good
- Most of the buyers have paid close to \$300,000 for their property, and now they can possibly be next to a renter paying \$600.00 rent
- Renters are not keeping up property, weeds up to her knees, poor behavior with dirt bikes, 4-wheelers, drivers going very fast, and loud noise
- These type actions will spill out in the community
- How many renters are allowed?

Ms. Deborah Reeves, 548 Overo Drive

- She moved in the community in December, moved from Union City
- Works from home, hears loud noise all day
- Why a child behind her house is throwing toys over the fence, hoping over the fence, and throwing trash, grass is grown up
- After all of these comments, is something going to be done
- Would like to have some peace and quiet
- Do not want to have to move and sell her house

Mr. Jamal Williams, 339 Hamilton Pointe

- He and his wife purchased in December, 2018, moving from Stockbridge and very excited about their new home and joining the McDonough community
- Now the discussion is - do we stay or do we go
- By profession, I am a practicing attorney
- When a neighbor walks out his front door, the first thing he sees is a fence and he had to stop a builder from trying to build a fence on his property
- Good friends of his purchased a home in the subdivision based on his home and the subdivision, and now they have sold and moved away because of all that is going on in Hamilton Pointe

- There are dirt bikes and ATVs out at all hours of the night and trucks making drop-offs, isn't there an ordinance for things such as this
- We need some consideration for the homeowners
- We need for you to be a voice of the residents, you were elected by the people, a government entity, put a stop to this madness, we need help and transparency

Ms. Holder spoke with additional comments:

- There is Code Enforcement for a reason – but at night we must call the police, but does the Police know the Ordinance
- Many rental issues are HOA problems but the main city issues are the building of houses are not in compliance on the lots –not in the original plans, however we were not aware of any amendments which were made, and therefore we have these problems
- Progressive is part of Century Homes, and if Century is closed down, then they proceed to build under Progressive LLC name
- To each homeowner, look at your lot, then look at paperwork from Century Homes
- The wood fence doesn't belong, the house is on one lot and the fence is on another lot, that blue house doesn't belong on that lot
- To residents -please speak to the City issues not the HOA issues

Mayor Copeland called on City Administrator for any comments. Mr. Dorsey said he will have Code Enforcement take care of the code enforcement issues like the grass, fence, etc. and he will put an officer there at night for the next two weeks to slow some of these issues.

Mayor Copeland called on Councilmember Vincent for any comments:

- This is more than a listening session
- The homes that are non-compliant –we need to give a course of action
- Need to create a HOA Ordinance where the HOA is accountable to the City
- Renters -that builders are taking them through the back door, not interested in apartment buildings
- Fair housing laws – fairness in equity in housing, establish home ownership, home ownership builds wealth, the renter is not accountable to the HOA
- Find out a reasonable, acceptable “something” that the residents can live with, find the right mediation for their community
- Need regular and continual communication with the Hamilton Point residents
- Come up with action steps
- CM Vincent said if we have to buy the properties then buy the properties and tear them down
- We have an obligation, played a role in this since we are the governing body

- This is how slums develop, we can't say this is not a City issue, this is not a rental community
- We need to hear from the residents what they want. Days of telling people that we will look into this, those days are gone, and we must deliver some action

Mayor Pro Tem Elrod wanted to reiterate what the next step will be in this process concerning the 20 stop work orders:

- There will be a hearing on these stop work orders.
- The meeting will be held in this room, Council Chambers, mid to late June.
- The meeting will be advertised and the Public is welcome to attend.
- The Board of Zoning Appeals (BOZA) will conduct the hearing and render a decision on each of the 20 lots.
- For the appeal hearing, Century may express any hardship issues to BOZA
- Either party – the City or Century Homes – may appeal the final decision to Superior Court

Councilmember Vincent asked the City Attorney what is the question about the 20 stop work orders that BOZA will be considering and making the decision.

Mr. Elliott stated that BOZA will consider

- The validity of the stop work order
- Does the work under construction meet the permits issued for these properties which has the stop work order

Councilmember Vincent requested that the residents state what would they like to see done to come to resolution and they responded with the following:

- Lots 1, 10, 11, 14, and 74 be torn down, the first five lots, because they didn't meet the criteria
- Stay in the developmental stage at the entrance
- Façade is not the problem, what is the square footage on homes
- The blue house at stop sign and the next house needs to come down
- Mr. Jarri Goodman stated that the house across from his house at 351 Hamilton Pointe is ridiculous in color, bright blue
- Kenneth Salako at 416 Culloden Moore Dr. stated that Mayor has not returned his email, that he was given a citation and no one followed up with him
- All 20 homes should be torn down and the fences need to come down
- How will homes that are not involved in the litigation be fairly compensated as to homeowner occupied vs. rental when residents want to sell; also how will the homeowner's homes be effected when a homeowner wants to rent their home
- Lot 94 is so small, add to the list to come down

Councilmember Vincent had some additional comments:

- The HOA has not transferred the rights over to the citizens yet

- Builders are on these boards and are taking properties and putting up fences
- City needs to pull out all the “big guns” as needed on this to seek outside assistance through the state legislature or through the Governor, that the City is serious about service

Councilmember Vincent asked all person in the audience to write down her city cell number, 678-245-1808, so that each of you can text her your email address so that she can give the City Clerk for communication purposes.

Councilmember Varner commented on HOAs

- There are problems and the City must address the issues
- How is the City going to address the communications and the transparency issues
- Get a Public Information Officer very soon
- Add the HOA Ordinance for discussion at the Retreat
- Think of ways to mitigate these issues and think out of the box

Mayor Copeland in closing said that the elected officials are here to serve and that his office is always open and he welcomes you to come to visit.

Janis E. Price
City Clerk

OPEN MEETINGS COMPLIANCE NOTICE: This is a special called meeting of Mayor and Council of the City of McDonough duly noticed pursuant to the requirements of the Georgia Open Meetings Law (O.C.G.A. § 50-14-1, et seq). Notice of the meeting was published in the *Henry Herald* on May 15, 2021, and May 19, 2021, and a copy of the agenda was posted at City Hall and on the City’s website, as required by law.