



Meeting Minutes - Final
City Council

Monday, June 2, 2014

7:30 PM

Council Chambers

Roll Call

Present: 7 - Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

Absent: 1 - Mayor Max Bacon

Also Present: 10 - Scott Cochran, Tammi Saddler Jones, Eric Taylor, Terri Graham, Lisa Moore, Toni Jo Howard, Kevin Klosterboer, Ken Suddreth, Dan Campbell and Chelsea Jackson

Call to Order

Mayor Pro Tem/Councilmember Melleny Pritchett called the meeting of the Mayor and Council to order at 7:31 PM.

1. Invocation and Pledge:

The Mayor Pro Tem called on Pastor Pete Hixson of Vinings Lake Church located at 75 Cooper Lake Road to deliver the Invocation and to lead all in the Pledge of Allegiance.

2. Agenda Changes:

There were no changes to the Agenda.

3. Mayoral Report:

Mayor Pro Tem Melleny Pritchett announced that Mayor Max Bacon was not feeling well and in his absence, she would chair the meeting.

4. Land Issues/Zonings/Annexations:

A. Public Hearing - Zoning Request Z14-003 - Rezoning from R-15 to RAD-Conditional - 4.01 Acre Tract - Land Lot 335 - 4105 North Cooper Lake Road - McLane Corporation. To be tabled to June 16, 2014

Councilmember Fennel stated that Items 4-A & 4-B are a continuation of the application of the McLane Corporation to build homes on North Cooper Lake Road. The developer has submitted a new application which will remove a house to construct an entrance to the development on North Cooper Lake Road. The application has gone through the Planning Department and Mr. Fennel has proposed that it go through the Planning and Zoning Board next Monday. He pledged to have a

Public Meeting with the developer and staff to discuss the plans and answer questions This meeting is scheduled to take place on June 12, 2014 at Brawner Hall at 7:30 PM. He invited the public to comment at either the June 12th meeting or at the June 9th Planning and Zoning Board meeting.

A motion was made by Councilmember Ron Fennel to table 2014-034- Zoning Request Z14-003 until June 16, 2014 for a rezoning from R-15 to RAD-Conditional - 4.01 Acre Tract - Land Lot 335 located at 4105 North Cooper Lake Road the applicant is the McLane Corporation, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

B. Mayor and Council grant a sanitary sewer easement between the City of Smyrna and McLane Corporation LLC to allow the installation of sanitary sewer piping for a proposed adjacent residential development.

A motion was made by Councilmember Ron Fennel to table 2014-036 until June 16, 2014 for the Mayor and Council to grant a sanitary sewer easement between the City of Smyrna and McLane Corporation LLC to allow the installation of sanitary sewer piping for a proposed adjacent residential development, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal business:

A. Public Hearing: Approval of Proposed Budget for FY 2015

Mayor Pro Tem Pritchett called on City Administrator Eric Taylor to give the background for the budget. The required budget hearing was held at the last City Council meeting on May 19, 2014 and another public input session was held on May 29, 2014 in the Finance Department for anyone who wished to come in to discuss the proposed budget. Staff has recommended the adoption of the FY2015 Citywide budget of \$73,670,022. Mr. Taylor also stated that a Public Hearing would be held at this meeting if there was anyone present who wished to comment.

Councilmember Anulewicz recognized the work of the Staff to put together the substantial budget document. She remarked that after many hours of discussing the proposed budget, only minor, insubstantial changes were made to it. The changes that were made only amounted to less than \$2,000. This says a lot about the Staff's efforts in the preparation of the budget and how well the different departments have worked together to put it together. This cooperation and dedication is part of why the City can boast an AAA bond rating.

The Mayor Pro Tem called for a Public Hearing and no one came forward to speak.

A motion was made by Councilmember Teri Anulewicz to approve item 6 A 2014-121

the approval of the Proposed Budget for FY 2015, seconded by Ron Fennel. The vote was tied with Councilmembers Ron Fennel, Teri Anulewicz and Charles (Corkey) Welch voting aye, and Councilmembers Andrea Blustein, Susan Wilkinson and Wade Lnenicka voting nay. Mayor Pro Tem Melleny Pritchett, who chaired the meeting, was required to vote in order to break the tie. Ms Pritchett voted aye and the FY 2015 budget was approved by the following vote:

Aye: 4 - Mayor pro tem/Councilmember Pritchett, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

Nay: 3 - Councilmember Blustein, Councilmember Wilkinson and Councilmember Lnenicka

*Clerk's Note: Mayor Max Bacon has vetoed the approval of Formal Business, Item 6-A, 2014-121, "Approval of Proposed Budget for FY 2015." The reason for the veto is Mayor Bacon feels this is in the best interest of the city. The veto was presented to the City Clerk on June 6, 2014 and was directed to file this veto and enter it on the minutes this 6th day of June 2014. A copy of this veto is appended hereto as Exhibit "A".

**Clerk's Note: Mayor Max Bacon has rescinded the veto dated June 4, 2014 the action taken at the June 2, 2014 Mayor and Council Meeting on Formal Business Item 6 (A) 2014-121, Approval of Proposed Budget for FY 2015, received in clerk's office June 6, 2014. Mayor Bacon states, " I am rescinding the veto because I have been given additional time to review the budget and I have no further issues or concerns. The clerk is directed to file the rescinding of the June 4, 2014 veto and enter for the permanent records this 6th day of June 2014. A copy of this veto rescinding is appended hereto as Exhibit "B".

7. Commercial Building Permits:

A. Issuance of a commercial building permit for a new QuikTrip convenience store with fueling stations at 4495 South Cobb Drive.

Mr. Taylor stated that this location had previously been the site of a Texaco Station and also a Kentucky Fried Chicken and has been vacant for about two years. The convenience store will have a gross floor area of 5,858 square feet and an estimated construction cost of \$528,000. KDG Group will be the general contractor for the project. Staff recommended approval.

Councilmember Wade Lnenicka informed that this is on the northeast corner of the intersection of the East-West Connector and South Cobb Drive. Demolition has already begun at the site. This is a good move for the area and will provide completion for the new RaceTrac store and when businesses compete, it is always a win for the community.

A motion was made by Councilmember Wade Lnenicka to approve 2014-156 Issuance of a commercial building permit for a new QuikTrip convenience store with fueling stations at 4495 South Cobb Drive, seconded by Councilmember Ron Fennel. Motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

8. Consent Agenda:

City Administrator Eric Taylor read aloud the Consent Agenda items.

A motion was made by Councilmember Teri Anulewicz to approve the Consent Agenda, seconded by Councilmember Charles (Corkey) Welch. Motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- A. Approval of the Minutes for the May 19, 2014 Mayor and Council Meeting
- B. Approval of modifications to Personnel Policies EMP 11-0 (Incentive Proficiency Pay) and BEN 5-0 (Tuition Assistance) and authorize the Mayor to execute related documents

11. Citizen Input:

The Mayor Pro Tem called on Cheri Harrington of 27560 Ivanhoe Lane, Smyrna for comment. Ms. Harrington first commented on property upkeep in her neighborhood, which in general, is very bad. She requested more patrols and ticketing, so that those that own properties will feel better about their community. Her main concern is dogs in the neighborhood, particularly pit bulls, which have been aggressive. There have been two attacks, one of which resulted in injuries to Ms. Harrington which required a hospital visit and a doctor visit. Ms. Harrington requested more patrols to control the dogs.

Mr. Taylor stated he would discuss the matter with the Chief of Police the next day.

The Mayor Pro Tem called on Jeanne Bapov of 2800 Ivanhoe Lane, Smyrna for comment. Two weeks ago, she had a pit bull charge her chain link fence to get to her dogs. She called 911 and reported the incident. An officer came with Animal Control and they took the dog, but now the same dog is in the neighborhood and running around on the streets. She does not feel safe to walk around in the area.

Councilmember Wilkinson asked if this was the same pit bull that bit her last summer. Ms. Bapov stated that this is a different dog. Councilmember Blustein asked if this could be handled by Community Development. Community Development Director Ken Suddreth stated that the City controls the number of dogs, so if they are all at the same address, they could look into it. He has made a note to talk to the Marshal's to look into the upkeep of yards. Mr. Suddreth stated that they will also discuss the case with Cobb County Animal Control. Mr. Taylor will also talk to the County Manager about stepping up animal control patrols in that area.

Councilmember Wilkinson stated that Ms. Bapov keeps children in her home, making the situation even more dangerous. Ms. Pritchett asked how a dog that was picked

up for aggressive behavior could be again roaming the streets. Mr. Taylor stated that is governed by Animal Control's definition or guidelines of a vicious animal. Police reports have been filed on many events. Mr. Fennel stated that Public Safety is the number one priority of the City.

At the Mayor Pro Tem's direction, both citizens left contact information with the City Clerk for follow-up.

10. Show Cause Hearings:

A. Appeal the denial for a alcohol servers permit for Ellyn Waters

Mayor Pro Tem Pritchett called on Eric Taylor to give the background on the appeal. Last week, Ms. Waters appealed to the License and Variance Board for the disqualification of an alcohol servers license. She is appealing that decision to the Mayor and Council.

City Attorney Scott Cochran called Ms. Waters forward to be sworn in. Mr. Cochran stated that there has been an update since the License and Variance Board meeting, which was that there was a DeKalb County court order last week which dealt with the pending charge. The City's ordinance disqualifies an applicant under certain conditions and one of those conditions is if there are certain types of charges which are pending or not adjudicated. There is one charge on her record that is technically not yet adjudicated, but it is now under a First Offender Status. This status is a vehicle where a charge is held in abeyance for a certain amount of time while the person charged has to complete a probationary period. Once that period has ended and probation is successfully completed, the charge is dismissed. So technically, the charge is still pending, but under a court order so that if the probationary period is successfully completed, the case will be dismissed. Ms. Waters has shown the court order to Mr. Cochran and he has reviewed the certified copy of the order. She is on probation for two years. Mr. Cochran asked Ms. Waters to explain why she believed the Council should overturn her denial of the permit. She is working at Jim 'n Nicks. She has been a server for about 5 years and has a seven year old daughter who is deaf. The flexible schedule of being a server has helped her to get her daughter to and from the special school she attends. This is how she supports herself and her daughter. She recently moved to Smyrna from Atlanta where she had a server's permit. Since she held a permit in Atlanta and Chamblee, she did not think she would have a problem getting a permit in Smyrna. She appreciates and respects Smyrna's standards and is grateful to be able to explain her case to the Council. The restaurant is letting her buss tables until she gets her permit at a much lower pay rate.

Councilmember Blustein stated that Ms. Waters has been given a second chance by the court and hopes she that she will take advantage of that chance to turn her life around.

A motion was made by Councilmember Andrea Blustein to approve 2014-137 an alcohol servers permit for Ellyn Waters, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

9. Committee Reports:

City Administrator Eric Taylor reported that during the meeting he informed the Police Chief of the need for added patrols in the Ivanhoe Lane area to watch for issues with pit bulls. This will begin tonight and they will discuss the problem with Animal Control.

Councilmember Andrea Blustein commented on the severe storm on Friday night. The Memorial Day Ceremony was wonderful and well attended.

Councilmember Teri Anulewicz stated that the first Concert on the Green of the season is this Saturday night. She encouraged all to attend. The AJ Ghent Band will begin around 7:00 PM. Table Reservations may be made through the Parks and Recreation Department.

Councilmember Charles "Corkey" Welch announced that the City is working on a short program for the first week of July commemorating the 150th anniversary of the Civil War's Battle of Smyrna. The plans are to have it at Brawner Hall and he encouraged all to attend.

Councilmember Wade Lnenicka congratulated his wife, Robin, as she is being honored for over 30 years of service to Emory Healthcare as a registered nurse. He also congratulated his niece, Shannon, on her upcoming wedding.

Councilmember Ron Fennel was honored to attend the Weatherbrooke HOA meeting. They discussed several issues and also went over the proposed budget. They also talked about the fact that the City has had 24 years with no increase in property taxes. The City's fiscal responsibility is well known and he thanked his predecessors on the Council for setting this as a priority. Mr. Fennel has a meeting with the Regency at Riverline community on Saturday, June 7th. He reminded all to always thank any law enforcement officer you encounter for their service to the community.

Mayor Pro Tem/Councilmember Pritchett stated that she hopes the Mayor is feeling well soon.

12. Adjournment:

The meeting was adjourned at 8:09 PM.