



Meeting Minutes - Final  
City Council

Monday, October 6, 2014

7:30 PM

Council Chambers

Roll Call

**Present:** 8 - Mayor Max Bacon, 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

**Also Present:** 10 - Eric Taylor, Tammi Saddler Jones, Ken Suddreth, Scott Cochran, Chelsea Jackson, Russell Martin, Roy Acree, Dan Campbell, Terri Graham and Heather Corn

Call to Order

1. Invocation and Pledge:

Mayor Max Bacon called Pastor George Ganey of Smyrna Presbyterian Church located at 3130 Atlanta Road, Smyrna, Georgia to deliver the invocation and to lead all present in the Pledge of Allegiance.

2. Agenda Changes:

The Mayor announced that Item D will be removed from the consent agenda vote and moved to the meeting on October 20, 2014.

3. Mayoral Report:

A. Proclamation In Recognition of "Respect for Firefighters"

Sponsors: Fennel

Betty Turley came forward to accept the proclamation for the Smyrna Optimist Club in recognition of "Respect for Firefighters". Ron Fennel read the proclamation out loud and presented it to the Smyrna Optimist Club.

Mayor Bacon recognized Susan Thayer as a candidate running for School Board. She came forward to speak.

4. Land Issues/Zonings/Annexations:

A. Public Hearing - Zoning Request Z14-021 - Rezoning from R-15 and RTD to RTD-Conditional for the development of a 49 unit townhome subdivision - 13.203 Acre Tract - Land Lots 342 and 379 - 619 Church Road - Venture Homes, Inc.

Sponsors: Wilkinson

Mayor Bacon announced the Public Hearing on this rezoning request and asked City Administrator Eric Taylor to give the background. Mr. Taylor stated that this request by Venture Homes is for the development of 49 townhome units. The density for the site will be 3.71 units per acre. No land use change from Medium Density Residential will be required for this rezoning. The Planning and Zoning Board voted 6-0 for approval of the rezoning conditions. Staff recommends approval.

The Mayor called those who wished to speak during the Public Hearing to come forward and they were sworn in by City Attorney Scott Cochran. Councilmember Susan Wilkinson called Rusty Martin and Ken Suddreth of Community Development to come forward to give the details of the zoning. The request is for rezoning of the current R-15 and RTD to RTD-Conditional for the development of a 49 unit townhome subdivision. The conditions for the development are as follows:

Standard Conditions

(Requirement #2 and 16 from Section 1201 of the Zoning Code is not applicable)

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebo's, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
7. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.
8. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
9. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. The developer will install decorative streetlights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
12. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

15. A Level I Archaeological Study shall be provided for the development. The developer shall verify to the city that any historical or archaeological features (including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any land disturbance activities.

Rusty Martin read aloud the following special conditions:

Special Conditions

16. The development shall maintain the following setbacks:

Front – 20' (from the existing Right-of-way)

Side – 20'

Rear – 40'

17. The buildings within the development shall maintain the following building separations:

Front to Rear – 50'

Front to Side – 40'

Side to Rear – 40'

Side to Side – 20'

18. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.

19. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

20. The developer shall provide a right-of-way dedication along Church Road for the installation of a deceleration lane and sidewalk.

21. The developer shall provide a 5' sidewalk with a 2' grass buffer along Church Road and a 4' sidewalk with a 2' grass buffer within the development.

22. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the eastern property line.

23. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.

24. Trees shall be planted the entire length of Church Road at an average spacing of no more than 40'.

25. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.

26. No development permits shall be issued until the completion of the FEMA map revision.

27. Approval of the subject property for the Residential Townhome District (RTD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 9/30/2014 created by BH&D Engineering, Inc.

28. The applicant shall be bound to the elevations submitted and dated 7/11/2014. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

Mayor Bacon asked if there are any questions for Mr. Martin and he then called the applicant, Mr. Sean Randall, Chief Operating Officer of Venture Homes to answer Council's questions.

Mr. Randall spoke about the history of Venture Homes as a company and stated their commitment to customer satisfaction through quality construction, exceptional customer service and attention to detail as well as fair market pricing of the properties they developed. This is a Cobb County born and bred company and has been building homes for over 30 years. Before the recession they annually built

450-500 homes a year. This year they have closed almost 100 homes and they hope to close 200 homes in 5 new communities by 2015. He stated that Venture Homes is the same today as it was when the company was started in 1984. The company currently has no outstanding debt to their banks, vendors or subcontractors. The proposed community is a quality driven, for sale, 49 townhome development, with R-15 to the west and townhomes to the north and south. It is 13.2 acres with a green space of 8.71 acres. He mentioned that the company could utilize the property for 79 units but only requested 49 units for this development. Mr. Randall thanked the City staff and noted that they were exceptional to work with. As a result of the ease and competence of the staff, the site plan before the council will be an asset to the community as well as a good development for Venture Homes, Inc. He showed the elevations for the property and talked about pricing. He stated this development is very competitive at \$115 per sq.ft. with the surrounding communities. He referenced some statistics amongst other local developers and showed that their price per square foot is in the middle. Amenities are described, such as a pavilion, walking trail, and the creek crossing to the green space and the importance of these amenities to Councilmembers Lnenicka and Wilkinson. He described in detail the common green space, walking trail that will lead to it and the natural crossing through the current creek bed.

The Mayor asked if the council had any questions for the applicant. Councilmember Blustein questioned the fee simple concept for this development and asked specifically why they chose to set it up that way. Mr. Randall responded by stating that this concept is more easily managed and there will be a mandatory HOA with each person owning the parcel their townhome sits upon.

Mayor Bacon asked if the trails and green space were only for residents and the response was yes.

Councilmember Anulewicz had several questions. The first was about the fee simple concept. She stated that it is her opinion, that fee simple communities do not age as consistently as homes with a condominium set up. Mr. Randall was emphatic that the HOA would handle all yard maintenance and the general landscaping look of the development. Her next question was in regards to the trails and the burden that the maintenance of those trails would place on the HOA to maintain them long term. Mr. Randall assured her that Venture Homes is very sensitive to the long term and the specific guidelines that the HOA implement and maintain.

Councilmember Fennel asked what percentage of the development would be green space and the response by Rusty Martin was approximately 2/3 of the project.

Councilmember Blustein had an additional question regarding who would be responsible for building maintenance and Mr. Randall stated that the HOA would handle repairs to siding and roofs specifically. She asked for an example of a particular development where the fee simple concept was implemented and was still being used and Mr. Randall mentioned Park Trail on Austell Road.

Councilmember Welch wanted more definition when it came to the actual crossing of the creek. Mr. Randall provided the details of how the crossing will be built based on the topography of the area.

Mayor Bacon voiced his knowledge that he has not heard anyone make derogatory remarks about the company as stated in Mr. Randall's opening remarks and to the contrary, has only ever heard good things regarding Venture Homes.

Mayor Bacon called the citizens forward that were sworn in to speak. The following residents came forward and the consensus of the group was the same seven

concerns:

Veronica McKenzie, resident of Westville Trace  
Jerry Clad, resident of Surrey Park  
Marilyn Blankburn, 1034 Huntington Trace Drive  
Jarrod Winkle, President of the HOA , speaking on behalf of the residents at Brookside Park  
-This development sent a letter to their Ward Councilmember who forwarded it to City Administration, Mayor and Council  
Selma Reyes and her Husband Daniel Reyes, residents of Brookside Park  
Antonio Cadet, resident at 503 Church Road  
Gina, Female resident at 509 Church Road  
Johnnie Gray, resident of Brookside Park

All of the above mentioned residents spoke of the same concerns in regards to the minimum price point, traffic, flood plain, density, school capacity and the walking trail leading to the green space.

The Mayor mentioned the price point of these townhomes and stated the council cannot vote based on pricing. The concern of the homeowners was that the pricing for this development was too low for the area and would reduce the value of the surrounding homes.

Councilmember Wilkinson asked Mr. Randall to return to the podium to address some of the residents concerns. He gave his assurance that there would be approximately 2-5 townhomes at the \$190,000 price point. He said that depending on the amenities each buyer chose, the price point would increase and the company expected that the average would be somewhere between the \$225,000 to \$245,000 range.

Mayor Bacon inquired again about the trail and its maintenance in terms of the HOA . Mr. Randall's response was if the residents did not want the trail he would remove it from the plan. Mayor Bacon then asked City attorney Scott Cochran how the trail became one of the conditions and what would happen if the HOA decided not to maintain it. Mr. Cochran stated it was not something that could be enforced other than holding it up to the current property maintenance code.

Councilmember Wilkinson continued with a question regarding the flood plain. Mr. Randall noted that FEMA has changed the flood plain map and reiterated that there are no buildings in the flood plan on the current plan.

Councilmember Wilkinson questioned the retention pond in this development. Mr. Randall assured the council as a whole that Venture Homes would comply with federal, county and city guidelines. He stated that Eric Randall, the city engineer, would verify the compliance.

Councilmember Blustein asked Mr. Randall to not take the trail out as the residents would use and enjoy that amenity. She also pointed out that typical development real estate signage always has lower price range as a starting point to entice potential buyers, but there are only a few offered at that price. Additionally she stated that from a real estate broker point of view, amenities drive up the price and the average price becomes the higher end of the scale typically.

Mayor ProTem/Councilmember Pritchett remarked that there were several misunderstandings. The city cannot legally turn down this property development because it is within the guidelines of the density currently being developed in Smyrna. She echoed Councilmember Blustein's statement regarding pricing where it concerns

the neighboring residents and their own home values. She noted that what has to be addressed is the current plan as it stands before the council. She commended Mr. Randall for his due diligence and the hours he spent with the different departments and staff to make this a project the City can agree upon and be beneficial to local residents. She noted, that in her opinion, the incoming Windy Hill corridor would alleviate some of the side street traffic issues once completed.

Mr. Randall thanked her for her statements and agreed that there would be only a few homes that sold for \$190,000. He, and the company as a whole, had fought very hard for this project and they believed it was an asset to themselves and the City of Smyrna.

Councilmember Lnenicka clarified that his request was not originally for a walking trail, but rather a way for the residents to access the green space in order to maintain it. The creek crossing was sufficient to satisfy his request and he was appreciative for that crossing, as well as for the addition of the trail to the creek. He mentioned his uncertainty with the way he would cast his vote and the reason was the value proposition in terms of the impact on the adjacent surrounding properties. Mr. Randall noted that the intention was to have the price be more in line with surrounding developments. The minimum price point would be for a few buyers and the majority would pay a higher price point. Councilmember Lnenicka also reminded Mr. Randall that there is a strong baby boomer group in Smyrna that would be looking for more ranch style, easily accessible type of homes geared toward a more elderly type of buyer and in the near future Venture Homes should consider this avenue of development.

Councilmember Anulewicz thanked the residents who came to speak for their participation and she returned to the traffic issue mentioned by several of those that spoke.

Mayor Bacon repeated his theory of the traffic coming from other areas, especially west Cobb and Paulding. And he said if a traffic study is in order it needs to be a joint venture with the City and Cobb County and possibly the ARC.

The Mayor then recognized a resident who raised their hand, Julian Ramoli, of Brookside Park. Mr. Ramoli asked the council to postpone their vote until they had a chance to view the traffic in the area. He gave some detail on what he has witnessed of the traffic issues in that area.

Councilmember Fennel added to the discussion regarding the traffic issues where it pertained to his own subdivision. He currently lives in a development of 955 homes that exit out to a two lane road. He acknowledged it was a challenge tackling the roads and trying to find solutions. He spoke of the schools and the tax dollars that they collect and noted that the City does not have any control, only an opinion as to the operation of the schools. Regarding to the deceleration lane he feels the lane is imperative in order to free up the main road from the back up of residents entering the development. He asked the audience to remember that the council had limited power and could only make decisions based on the facts presented. Their decisions had to be based on Legal and Planning and Zoning ordinances as well as Community Development requirements when deciding if there were any legal reason not to approve a development item. City Attorney Scott Cochran echoed Councilmember Fennel's statement that the vote needed to be based on whether there was any legal reason to vote against this project.

Councilmember Wilkinson stated that she disagreed and her thoughts regarding the 1970's zoning laws talked about that when someone owned a piece of property, the laws gave them the right to do what they wanted to with their property. But the laws

were also there to protect the surrounding properties. She mentioned her appreciation for this project and the hard work Mr. Randall had put forth but at this time she was very concerned about the residents opinions regarding the potential issues mentioned.

A motion was made by Councilmember Teri Anulewicz to approve 2014-295 Zoning Request Z14-021 - Rezoning from R-15 and RTD to RTD-Conditional for the development of a 49 unit townhome subdivision - 13.203 Acre Tract - Land Lots 342 and 379 - 619 Church Road - Venture Homes, Inc., seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

\*Clerk's Note: As the vote was calculated and posted Councilmember Susan Wilkinson left the bench at 8:50 PM, Councilmember Wade Lnenicka left the bench at 8:52 PM.

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Nay:** 1 - Councilmember Wilkinson

## 5. Privilege Licenses:

There were no privilege Licenses

## 6. Formal business:

### A. Approval to hire Roy Acree as the Fire Chief for the City of Smyrna

**Sponsors:** Fennel

A motion was made by Councilmember Ron Fennel to approve Roy Acree as the Fire Chief for the City of Smyrna, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. Motion carried by the following vote:

The Mayor commented that he was unsure as to where two councilmembers had gone (Councilmembers Susan Wilkinson and Wade Lnenicka). City Administrator Eric Taylor asked the Mayor if he should go get them and the Mayor responded no, that he had not called a recess. He started to speak about Chief Acree's history with the Smyrna fire department and the council requested to cast their votes. The Mayor called for the vote, declared it unanimous and commented again that there were two missing councilmembers.

The Mayor called forward Cheif Roy Acree to speak. He introduced his family members that were present and thanked them for their support. He continued by thanking the Mayor and Council and especially the firemen he worked with and he gave credit to the men and women in the department that serve. He stated that it is his honor to serve.

Councilmember Fennel congratulated Chief Acree and wished him another 24 years of service with the City.

Councilmember Charles Welch offered his welcome as well.

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

**Absent:** 2 - Councilmember Wilkinson and Councilmember Lnenicka

## 7. Commercial Building Permits:

The Mayor states there were none.

## 8. Consent Agenda:

Mayor Bacon asked City Administrator Eric Taylor to read aloud the consent agenda with the removal of item "D". Mr. Talyor read the seven items.

Clerk's Note: Mayor Pro Tem/Councilmember Pritchett left the bench at 9:26 PM, Councilmember Andrea Blustein left the bench at 9:28 PM as the consent agenda was being read aloud, Councilmember Wade Lnenicka returned to the bench at 9:29 PM as the Consent agenda motion was made.

The Mayor stated that he had a quorum at the bench for the vote.

A motion was made by Councilmember Ron Fennel to approve the consent agenda removing and not voting on item D, seconded by Charles (Corkey) Welch. Motion carried by the following vote:

Clerk's Note: Mayor Pro Tem/Councilmember Melleny Pritchett returned to the bench at 9:30 PM just the vote was being cast and stated that she was not present for the reading of the consent agenda and therefore would not vote. Councilmember Andrea Blustein returned to the bench at 9:31 PM after the consent agenda vote was recorded.

**Aye:** 4 - Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 3 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein and Councilmember Wilkinson

### A. Approval of Mayor and Council Meeting Minutes for September 15, 2014

**Sponsors:** City Council

### B. Approval of Compliance Amendment to the City of Smyrna's MassMutual 401(a) plan and authorize the Mayor to execute any related documents.

**Sponsors:** Lnenicka

### C. Approval of the City's Wellness Program renewal with Corporate Health Partners (CHP) and authorize Mayor to execute related documents

**Sponsors:** Lnenicka

### D. Approval of 2015 Smyrna Community Event Dates

**Sponsors:** Anulewicz

- E.** Mayor and Council award RFP 15-010 Bank Street Drainage Project to the lowest and most responsive bidder Ardito Construction Company for \$37,295.00 and authorize the Mayor to execute any related documents.
- Sponsors:** Anulewicz
- F.** Mayor and Council award RFP 15-009 Street Resurfacing Work to the lowest bidder C.W. Matthews Contracting for \$2,069,691.45 and authorize the Mayor to execute any related documents.
- Sponsors:** Welch
- G.** Approval to allow road closures for Campbell High School's Homecoming Parade to be held Friday, October 10, 2014 to begin at 6:00 PM
- Sponsors:** Anulewicz
- H.** Approval to allow road closures for Spooktacular Chase to held October 18, 2014 8:00 AM
- Sponsors:** Anulewicz

## **9. Committee Reports:**

Councilmember Ron Fennel thanked the fire department. He said he was pleased with both the police department as well as the fire department. This weekend will be the appreciation gala for police and fire departments. He requested that the public be sure to thank the public service professionals for their hard work when they meet them out and about.

Councilmember Wade Lnenicka thanked the Westchester Commons for their invitation to their annual HOA meeting. An event on October 18, 2014 is the Woodland Ridge Assisted Living and Memory Care Fall Festival. All proceeds will go to their foundation for veterans that need financial help with assisted living. He will be attending the Forest Hills Fall Festival on Sunday October 19, 2014. He thanked the Barbados Honorary Consul for their invitation a week prior to a reception co-hosted with Delta Airlines for the re-inauguration of direct flights between Atlanta and Barbados.

Clerks Note: Councilmember Susan Wilkinson returned to bench 9:34 PM

Susan Wilkinson commented on the Westfield Chase invite to their block party. Westville Trace residents spoke to Councilmember Wilkinson about recent break-ins.

Councilmember Charles "Corkey" Welch mentioned that October 18, 2014 is adopted a mile day. He also mentioned the Forrest Hills fall festival.

Councilmember Teri Anulewicz commended Officer Tom Rooney who received an award of merit for an apartment fire and his actions that saved many lives as well as the fire departments actions.

Councilmember Andrea Blustein thanked Countryside for the annual invitation to their HOA meeting. She spoke about her pride in having a great new Fire Chief.

Mayor Pro Tem Melleny Pritchett commended Chief Roy Acree for his accomplishments and noted she is excited to have him as the Fire Chief.

City Clerk Terri Graham announced that she had filled the position of the Deputy City Clerk and Heather Corn was introduced to the Mayor and Council.

**10. Show Cause Hearings:**

There were no Show Cause Hearings

**11. Citizen Input:**

Alex Backry came forward and commented on the Marietta Daily Journal article regarding Hickory Lakes / Smyrna Grove. He stated that he had read the 83 page contract and said that the numbers did not add up and it looked like there was a loss to the City. He requested a town hall meeting with someone familiar with the contract to explain the details.

**12. Adjournment:**

Mayor Max Bacon adjourned the meeting at 9:45 PM