



Meeting Minutes - Final
City Council

Monday, January 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

Call to Order

1. Invocation and Pledge:

Mayor Max Bacon called on Pastor Lee Delbridge, pastor of Smyrna Christian Church to deliver the invocation and lead all in the pledge to the flag.

2. Agenda Changes:

The Mayor stated there were none.

3. Mayoral Report:

Mayor Max Bacon stated it was going to be very cold tonight.

4. Land Issues/Zonings/Annexations:

A. V13-055

Public Hearing - Appeal the decision of the License and Variance Board to deny Variance Request - V13-055 - Allow a 5.5 foot brick privacy wall in a front yard - 0.62 acres - Land Lot 521 - 1191 Powder Springs Street - Raymond Vito.

Mr. Eric Taylor provided the background for the appeal for the applicant, Raymond Vito, which is to increase the allowable wall height from 4' to 5.5' in a front yard at 1911 Powder Springs Street. Mr. Taylor states that Community Development has reviewed the request against the variance review standards and found it to be in compliance. Community Development believes that there are sufficient privacy and safety concerns that justify approval of the request. Staff recommends approval. License & Variance Board denied the request by a vote of 2 to 1. The Mayor announces that this is a Public Hearing and calls the applicant, Raymond Vito and anyone else who wishes to speak be sworn in. Mr. Vito and witnesses are sworn in by City Attorney Scott Cochran. A Power Point presentation is presented by Ken Suddreth with a description of the site plan. The proposed location is shown on the map by stakes on the property line that were put up by the applicant. The fence/wall would be 5.5' high and

110' feet long and will tie into the fencing that is already existing. The applicant is asking to deviate from the allowable height of a fence or wall. Four criteria are used for consideration of a variance by staff: 1. Whether there are unique or extraordinary circumstances applying to the property; 2. Whether any alleged hardship is self-created by any person having interest in the property; 3. Whether strict application of the relevant provisions of the code would deprive the applicant of unreasonable use of the property; 4. Whether the variance proposed is the minimum variance needed. Staff felt this variance meets the criteria in the areas of privacy and security concerns. The topography has made it necessary for the fence to be on the property line. The city has not received any negative comments from the public against this wall/fence. The License and Variance Board decision was made because the board was not convinced of a hardship. The Mayor asks the council if they have any questions.

Councilmember Teri Anulewicz states that she encouraged the homeowners to appeal the the decision of the license and variance board. She believes this wall is consistent with the design plan of the home and existing structures. The Mayor requests Raymond Vito of to come forward. Mayor Bacon comments on the beauty of the home and how well the property is being taken care of by the homeowners.

Councilmember Wade Lnenicka questions Mr. Vito about the headlights of cars from the road and how it bothers them. This problem has been complicated by the trees that had to be removed due to disease which were next to this property. Mr. Lnenicka wants to make sure that Mr. Vito understands that the City plans to replant those trees. Mr. Lnenicka inquires about what will happen if the roots of the trees damages his wall and the potential cost to the taxpayers. Mr. Vito confirms he will maintain the fence and it will not be a cost to the city. Mr. Lnenicka asks if the wall can be moved back a foot or so to allow landscaping to soften the look of the wall. Mr. Vito states that the wall cannot be moved due to the slope of the land, but would be willing to landscape beside the wall. Councilmember Corkey Welch asks about the height of the fence tying into the existing fence. Mr. Vito states yes, it will tie into the wall that is existing. Councilmember Anulewicz states that the potential root damage to the wall is not an issue because Mr. Vito could build a 4' wall there without the variance approval.

Councilmember Susan Wilkinson asked about the height of the existing wall. Mr. Vito says he believes the fence/wall was constructed as a 5' wall, but there has been some grading done which may have changed the height from the ground. The Mayor asks if there are any other comments. Sandra Chase of 1191 Powder Springs Street, comes forward and states that she sits outside a lot and the lights are a nuisance. She believes the fence needs to be on the crest of the hill to keep the lights out and would be in favor of the wall/fence being built. A neighbor at 1171 Powder Springs Street concurred with Ms. Chase. Raymond Vito comments that they did not solicit comments, but they had two other neighbors speak to them in support of the wall being built. Councilmember Anulewicz states she has heard no negative comments.

A motion was made by Councilmember Anulewicz, to approve this appeal, appealing the decision of the License & Variance Board to deny Variance Request V13-055 to allow a 5.5 foot brick privacy wall in a front yard on 0.62 acres, land lot 52, the address is 1191 Powder Springs Street, the applicant is

Raymond Vito. Motion was seconded by Councilmember Fennel, that this Variance Request be approved. The motion carried by the following vote:

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

Nay: 2 - Councilmember Blustein and Councilmember Wilkinson

5. Privilege Licenses:

Mayor Bacon stated there were none.

6. Formal business:

Mayor Bacon stated there was no Formal Business.

7. Commercial Building Permits:

Mayor Max Bacon stated there were none.

8. Consent Agenda:

A motion was made by Councilmember Ron Fennel to approve the Consent Agenda as read aloud, second by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- A. 2013-466** Approval of the December 16, 2013 Mayor and Council Meeting Minutes.
- B. 2013-460** Approval to use Council Chambers on January 9, 2014 from 6pm-10pm for The Heritage at Vinings HOA Meeting in Ward 6
- Sponsors:** Lnenicka
- C. 2013-461** Approval to award RFP 14-010 Wolfe Center Roof Replacement to the lowest bidder American Property Restoration Inc. for \$61,923,92 and authorize the Mayor to execute any related documents.
- Sponsors:** Welch
- D. 2013-458** Approval to accept a 2014 LMIG grant and authorize the Mayor to execute any related documents
- Sponsors:** Welch
- E. 2013-457** Award RFP 14-013 River Valley Drive Sewer to the lowest bidder Ardito Construction Company for \$88,000.00 and authorize the Mayor

to execute any related documents.

Sponsors: Fennel

9. Committee Reports:

Mayor Pro Tem Melleny Pritchett wishes everyone a Happy New Year. She states that there are a lot of exciting things happening in Smyrna in 2014, with many new lots being bought and new construction. This council is looking forward to a great year.

Councilmember Teri Anulewicz reminds everyone to stay warm tonight. She also says she is delighted that she has only seen one Christmas tree left on the side of the road and hopes that means that everyone took their trees to be chipped.

Councilmember Corkey Welch reminds everyone to leave their faucets dripping tonight.

Councilmember Susan Wilkinson wishes everyone a Happy Year Year.

Councilmember Wade Lnenicka states that there is an annual Heritage at Vinings Homeowners meeting January 9, 2014. He hopes everyone had a Happy Holiday and a Happy New Year. The City of Smyrna is moving forward.

Councilmember Ron Fennel informs the council that Public Safety was busy over the holidays with 7 DUI arrests, 8 state warrants and 10 ordinance violations cited. Deputy Fire Chief Acree sent around safety tips for the cold weather. If anyone is in need of help in the cold weather, they should call the Police or Fire Department for assistance. Paige Day started today as the New Fire Chief. She will be at the next Council Meeting with a report. Today starts the second half of this council and he agrees with the Mayor Pro Tem that the City is on an upturn in building permits and activity. He wishes everyone a Happy New Year.

10. Show Cause Hearings:

Mayor Bacon states there were none.

11. Citizen Input:

Mayor Bacon states there is no citizens to comment.

12. Adjournment:

Mayor Max Bacon adjourned the meeting at 8:00 PM.