



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Tuesday, July 5, 2016

7:00 PM

Council Chambers

Rollcall

Present: 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Ron Fennel

Absent: 1 - Councilmember Doug Stoner

Also Present: 12 - Mike L Jones, Terri Graham, Jeffrey Tucker, David Lee, Joe Bennett, Jennifer Bennett, Russell Martin, Amy Snider, Tammi Saddler Jones, Ken Suddreth, Heather Corn and Dan Campbell

Call to Order

Mayor Max Bacon called the meeting of the Mayor and Council to order at 7:00 PM

1. Invocation and Pledge:

Pastor Dyke Verkerk of Life Church Assembly of God located at King Springs Road in Smyrna gave the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes

3. Mayoral Report:

Mayor Bacon mentioned the fireworks ordinance created by the State and House of Representatives and said it was louder than expected and he would like to see some changes made to the law.

4. Department Head Reports:

Community Relations Director, Jennifer Bennett gave a brief report to the Mayor and Council.

The Mayor's State of the City presentation would be on Thursday, July 14 at the Smyrna Community Center in conjunction with the monthly SBA luncheon. Although this is a free event, seating will be limited so reservations are suggested.

The second concert in the Summer Concert Series will be held Saturday, July 16 with The Get Right Band from 7:00pm - 10:00pm.

August 6th is the Annual Birthday Celebration from 6:00pm - 10:00pm with fireworks, food and fun. Tim Purcell and Banks and Shane will perform as well.

Food Truck Tuesday had a weather cancelation for the July 5th event. There is a new shuttle from behind City Hall that will drop off at Brawner Hall for the event and runs until 9:00pm.

Niche.com ranked Smyrna #6 as Best Suburbs to Live In and #13 overall for best

City to live in for the state of Georgia!

Police Chief David Lee gave the quarterly Police Department Report. He noted the department had been busy the last few months. Detective Grubb had received an award for a gang rape investigation he conducted with Cobb County that resulted in six people being arrested.

The department's honor guard had been in attendance at several funerals for family members of department employees as well as the funeral of Smyrna Crime Analyst, Susan Matthews.

Smyrna PD is a partner in education with Belmont Hills Elementary and has a program where they put lunch packets together for kids for the summer.

The PD is also holding a competition to raise funds for the school with a mustache growing contest. Chief Lee will be donating funds as his mustache growing abilities are non-competitive.

Uniform patrol officers have made several drug arrests from traffic stops. The program where an officer who removes a gun from someone who commits a crime gets a \$20 gift card from the chief personally is still in force.

Chief noted that calls for service were up 10% as were citations and warnings. Major Joe Bennett was one of 59 candidates out of over 1200 applicants to complete and graduate from the Harvard University Kennedy School of Government. A very immersive three week program on the Harvard campus with real world case studies and lectures by some of the nation's leading critical thinkers. The program is designed for all disciplines of government. There were four different countries represented.

Officer "KK" retired after 40 years on the job and she will go on to serve as a Smyrna reserve officer.

5. Land Issues/Zonings/Annexations:

A. Public Hearing - Zoning Request Z16-008 - Zoning amendment to modify the currently approved site plan and building elevations from Zoning Case Z14-005 - 0.36 Acres - Land Lot 593 - 1607 Walker Street - Philip Junger

Sponsors: Anulewicz

City Administrator Mike Jones read the background for this item:

This was a Public Hearing for a Zoning Request (Z16-008) for a zoning amendment to modify the currently approved site plan and building elevations from Zoning Case Z14-005 on 0.36 Acres, Land Lot 593 located at 1607 Walker Street by the applicant Philip Junger.

Mr. Junger's request was to modify the currently approved site plan and the building elevations form Zoning Case Z14-005. The proposed changes to the currently approved plans are as follows:

- 1. The changing of the garages for the proposed homes from rear-entry garages located on the rear home not visible from Walker Street to front-entry garages located on the front of the home visible from Walker Street; and*
- 2. The modification of the home elevations to cottage style homes.*

The subject property of originally rezoned from RM-10 to RAD-Conditional on March 17, 2014 by the City Council by a vote of 6-0 (Zoning Case Z14-005). The original zoning was approved with a site specific site plan and building elevations.

Community Development recommends approval of the requested zoning amendment with the following conditions carried over from Zoning Case Z14-005 (changes are highlighted in yellow):

Standard Conditions

(Requirement #2, 4, 5, 8, 9, and 17 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. **REMOVED** There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
3. All utilities within the development shall be underground.
4. 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.
5. **REMOVED** The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
6. No debris may be buried on any lot or common area.
7. 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".
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
11. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

12. The development shall maintain the following setbacks:
Front - 15'
Side - 7.5' (Interior) with a minimum of 15' between buildings
Rear - 25'
 13. Driveway - 22' minimum length from building face to back of sidewalk.
 14. The right-of-ways along Walker Street shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along Walker Street.
 15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Walker Street for the length of the development.
 16. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
 17. Approval of the zoning amendment shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/6/2016 created by Crescent View Engineering, LLC.
 18. The applicant shall be bound to the elevations submitted and dated 6/6/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.
- The applicant was present and Mayor Bacon called the public hearing called for this item with the records showing no one came forward to speak in opposition to or in

favor of this item.

Senior Planner Rusty Martin gave a few additional details regarding the background and noted that there would be no zoning changes. He showed pictures of the elevations as well as the surrounding properties. He reviewed the conditions noting the following changes:

Condition # 2 was removed for a mandatory HOA.

Condition #5 was removed.

Each lot would have individual storm water.

Condition #13 was modified to measure the length of the driveway

Condition #17 was added tying the amendment to the site plan.

Condition #18 was added tying the building elevation to site plan.

Mayor Pro Tem / Councilmember Teri Anulewicz asked Mr. Martin if the square footage had changed and if the cars would back out onto Walker Street. Mr. Martin noted the applicant would answer those questions.

Mr. Junger replied that the square footage had been kept within a few hundred feet of the original plans and the footprint had remained the same. He noted that buyers were looking for a rear yard and a home not elevated above a garage.

He also remarked that the price point would be approximately \$400,000.

A motion was made by Mayor Pro Tem/Councilmember Teri Anulewicz to approve item 2016-258 after a Public Hearing for Zoning Request Z16-008 - Zoning amendment to modify the currently approved site plan and building elevations from Zoning Case Z14-005 - 0.36 Acres - Land Lot 593 - 1607 Walker Street - Philip Junger, seconded by Councilmember Andrea Blustein. The motion carried by the following vote:

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

Absent: 1 - Councilmember Stoner

B.

Approval of Ordinance 2016-16 - Annexation request (100% owners requesting annexation) - of all tracts of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.28 acre tract, being known as 1687 Donna Lynn Drive, Smyrna, GA 30080, in Ward 3. Effective August 1, 2016.

Sponsors: Anulewicz

Mr. Mike Jones, City Administrator read the following background:

This item is for the approval of Ordinance 2016-16, an annexation request (100% owners requesting annexation) of all tracts for land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.28 acre tract, being known as 1687 Donna Lynn Drive, Smyrna, GA 30080, in Ward 3 and will be effective August 1, 2016.

The applicant Kimberly Norwood Properties, LLC represented by Richard Kolb is seeking approval for annexation of approximately 0.28 acre tract, parcel # 17063200190 - all that tract or parcel of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia located at 1687 Donna Lynn Drive, Smyrna GA 30080. This property will be in Ward 3, Teri Anulewicz will be the City Council representative. The annexation will become effective August 1, 2016. Additionally, certified letters were sent to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. We received a non-objection letter with stipulations from Cobb County dated June 28, 2016. The public hearing was called by Mayor Bacon and no one came forward to speak in opposition to or make comment about this item.

A motion was made by Mayor Pro Tem/Councilmember Teri Anulewicz to approve item 2016-259 for Ordinance 2016-16 for Annexation request (100% owners requesting annexation) - of all tracts of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.28 acre tract, being known as 1687 Donna Lynn Drive, Smyrna, GA 30080, in Ward 3. Effective August 1, 2016, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

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

Absent: 1 - Councilmember Stoner

6. Privilege Licenses:

There were no Privilege Licenses

7. Formal Business:

There was no Formal Business

8. Commercial Building Permits:

There were no Commercial Building Permits

9. Consent Agenda:

Mr. Mike Jones, City Administrator, read aloud the consent agenda for Council approval.

A motion was made by Councilmember Ron Fennel to approve the consent agenda as read aloud, seconded by Councilmember Derek Norton. The motion carried by the following vote:

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

Absent: 1 - Councilmember Stoner

A. Approval of the June 20, 2016 Mayor and Council Meeting Minutes

B. Award RFP 16-036 Antler Trail Sanitary Sewer Replacement to the lowest bidder Site Engineering Inc. for \$361,708.60 and authorize the Mayor to execute any related documents.

Sponsors: Welch

C. Approval to use Council Chambers on Tuesday, August 16, 2016 from 7:00-9:00 PM for the Smyrna Arts & Cultural Council (SACC) Annual Board Meeting and Elections

Sponsors: Anulewicz

10. Committee Reports:

Ward 1 Councilmember Derek Norton made remarks regarding the 4th of July and the Fireworks law passed by the legislature. He shares the citizen's concerns and anger.

Ward 2 Councilmember Andrea Blustein remarked that the fireworks were a nightmare from 8:00pm to 12:00am. She asked citizens to contact their representative, Mr. Hunter Hill. She does not think this bill was thought through very well.

Mr. Hill is on FaceBook and Twitter as well.

Ward 3 Mayor Pro Tem / Councilmember Teri Anulewicz had remarks for two items. The first being the upcoming runoff elections, where she noted the early voting location of the Cobb County Elections Office in Marietta.

Additionally she commented on the fireworks and noted that essentially the Legislature had neutered the counties and cities as far as any resolve. Hunter Hill's phone number is 404-463-2518. She also mentioned that although the law states no fireworks are to be shot off after 9:00pm on days other than designated holidays, the entire weekend was filled with the sounds of late night fireworks.

Ward 4 Councilmember Corkey Welch admitted he went to the Smyrna Farmer's Market for the first time and he purchased steak tomatoes and locally grown beef. He said the market has an average attendance of 600 people.

Ward 5 Councilmember Susan Wilkinson had no report this evening.

Ward 6 Councilmember Doug Stoner was absent.

Ward 7 Councilmember Ron Fennel had a tremendous amount of neighbors who used fireworks and he noted about 25 - 30 displays in the neighborhoods in his ward. He also remarked that there had been house members as well that voted for the legislation and he too felt there was opportunity for improvement to the law. He would be holding a Town Hall meeting August 11, 2016 at 7:00pm at Fire Station #5 for a pending matter before the Planning and Zoning Board. It is a development on Fontaine Road and the East West Connector.

He would also be publishing his next newsletter over the next weekend.

This month's SBA meeting would be in conjunction with the State of the City Address at the Smyrna Community Center. It is a free event and always fills up quickly so reservations were encouraged.

Mr. Jones had no further report.

City Attorney Jeffrey Tucker had no report.

City Clerk Terri Graham had no report.

11. Show Cause Hearings:

There were no Show Cause Hearings

12. Citizen Input:

Alex Backry - Comments:

He is very embarrassed by the weak Cobb County turnout of 13%. There is a runoff election on July 26th. He has asked other people why they do not vote in local elections and they stated they only vote in the national election.

He too wanted to address the fireworks issue and remarked that he had no

knowledge of the specific times they were supposed to end so he didn't know when to contact the police department. He now knows the law states that they should have ended at 9:00pm Friday and Saturday and 11:00pm on Monday however they went on for hours after those times. He said it sounded like Vietnam. He suggested putting the information in the water bills prior to a holiday event.

Amy Votts: Recycling Center complaint:

She remarked that she had received no response from Mayor Pro Tem Teri Anulewicz or Mayor Bacon. She and her husband moved to Smyrna in Dec 2014, approximately five months prior to its opening. They were promised by the City that they would take care of the facility and think about the citizens living around the center. She stated she was not alone and that 79 people have signed a petition. The residents want to help get a resolution but they have not been asked for input. The noise is obnoxious. She begged the Mayor and Council to do something.

Cynthia Lawrence: Comments:

She made mention of the South Cobb Club meeting at Rev Coffee House and the group working on events to get citizens to vote. She also stated it was important to give a response to citizen concerns and she herself had not had an issue with Council response.

13. Adjournment:

7:50PM

Mayor Max Bacon adjourned the meeting of the Mayor and Council at 7:50 PM