



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, March 4, 2019

7:00 PM

Council Chambers

Roll Call

Present: 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Tim Gould

Absent: 1 - Councilmember Ron Fennel

Also Present: 8 - Tammi Saddler Jones, Scott Cochran, Scott Andrews, Terri Graham, Ken Suddreth, Ashley Youmans, Dat Luu and Tina Monaghan

Call to Order

Mayor A. Max Bacon called the March 4, 2019 Mayor and Council meeting to order at 7:00 PM.

1. Invocation and Pledge:

Pastor Kerrick Butler, Faith Christian Center, 3831 Tramore Pointe Pkwy delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

Mayor Bacon announced that item 5A would be tabled.

3. Mayoral Report:

- A. [2019-75](#) Introduction of Campbell High School Student Government President, Precious Ojiagbaje, presiding over the meeting as "Honorary Mayor"

Mayor Bacon introduced Ms. Precious Ojiagbaje who served as Honorary Mayor for the meeting. Each year the Campbell High School Student Body President comes to City Hall and runs a meeting.

- B. [2019-76](#) Recognition of Keep Smyrna Beautiful and Jonquil Garden Club

Sponsors: Welch

Mayor Bacon asked Councilmember Welch to introduce the two groups since he heads up that committee.

Ms. Janet Liberman, Director of Keep Smyrna Beautiful discussed some of the recent awards that the department had received. She then introduced the President of the Jonquil Garden Club.

Lorelei Clapper, President of the Jonquil Garden Club came forward and talked about the awards that were received recently including one for the Sensory Garden. She gave a summary of the work that went into creating the award winning sensory garden including over 220 man hours worth of labor.

Mr. Welch thanked both groups and then recommended that everyone stop by the recycling center and look at all of the awards that have been won over the years.

4. Land Issues/Zonings/Annexations:

There were no land issues/zonings/annexations.

5. Privilege Licenses:

- A. [LIC2019-03](#) Public Hearing - Privilege License Request LIC2019-03 - Beer, Wine, and Liquor Pouring - 2500 South Cobb Drive - AVAMC Company LLC dba On the Range with Willie T. Chandler as the agent.

Sponsors: Wilkinson

Honorary Mayor Ojiagbaje read the item aloud and asked that Ms. Wilkinson make a motion to table the item until the March 18, 2019 meeting.

Councilmember Susan Wilkinson made a motion to table the Public Hearing for Privilege License Request LIC2019-03 - Beer, Wine, and Liquor Pouring - 2500 South Cobb Drive - AVAMC Company LLC dba On the Range with Willie T. Chandler as the agent until the March 18, 2019 meeting. Councilmember Tim Gould seconded the motion to table.

The motion to table was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

- B. [LIC2019-05](#) Public Hearing _ Privilege License Request LIC2019-05 - Beer and Wine Pouring- 2440 Atlanta Road SE STE 100 - YP Restaurant Group LLC dba Your Pie with Dipish Parsottambhai Patel as agent.

Sponsors: Blackburn

City Administrator Tammi Saddler Jones read aloud the background information. Dipish Patel will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Patel was given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. Dipish Patel has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Staff recommended approval.

Honorary Mayor Ojiagbaje opened the public hearing and no one came forward to speak.

Councilmember Blackburn asked the applicant to come forward and provide some

additional information about the establishment.

The applicant, Mr. Dipish Parsottambhai Patel explained that it will be a build your own pizza restaurant that has origins out of Athens, Georgia. The location of the establishment is on Atlanta Road in the Belmont shopping plaza. They hoped to be open sooner but due to delays in construction, will be aiming to have their grand opening no later than April 19th or 20th. He took the alcohol awareness workshop back in December and understands the importance of such a requirement.

Councilmember Maryline Blackburn made a motion to approve Privilege License Request LIC2019-05 - Beer and Wine Pouring- 2440 Atlanta Road SE STE 100 - YP Restaurant Group LLC dba Your Pie with Dipish Parsottambhai Patel as agent. Councilmember Susan Wilkinson seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

6. Formal Business:

A. [2019-78](#)

Approve the contract with Cobb County Board of Elections and Registration to conduct The City of Smyrna's November 5, 2019 Municipal Election for the estimated amount of \$23,448.41, and any Runoff on December 3, 2019 and authorize the Mayor to sign and execute any associated documents.

Sponsors: Norton

Ms. Saddler Jones provided the background information for this agenda item. The City wanted to contract and pay the Cobb County Board of Elections and Registration an estimated amount of \$23,448.41 to conduct the Smyrna City General Election on November 5, 2019. These costs include responsibilities like publications, use of election equipment, costs of printing ballots, and election personnel compensation. Where applicable, costs will be computed based on the number of precincts served. This estimated cost does not include the subsequent runoff election amount. Staff recommended approval.

Mr. Norton stated that the contract was straightforward and similar to what had been done in the past.

Councilmember Derek Norton made a motion to approve the contract with Cobb County Board of Elections and Registration to conduct The City of Smyrna's November 5, 2019 Municipal Election for the estimated amount of \$23,448.41, and any Runoff on December 3, 2019 and authorize the Mayor to sign and execute any associated documents. The motion to approve was seconded by Councilmember Charles "Corkey" Welch.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

B. [2019-84](#)

Approval to hold Election Qualifying in the Human Resources Conference Room at Smyrna, 2800 King Street, Smyrna GA on (3) specific days: Tuesday, August 20th, Wednesday, August 21st and Thursday, August 22, 2019, 8:30 AM - 4:30 PM, closed for lunch from 12:00 PM - 1:00 PM each day.

Sponsors: Norton

A summary of the background information was presented to Mayor and Council by City Administrator Saddler Jones. Qualifying fees were set at the January 7, 2019 and published and advertised by February 1, 2019 in the Marietta Daily Journal. The qualifying fees for Mayor were set at \$756.00 and for Councilmembers Wards 1 - 7 \$567.00. The Mayor and Wards 1 - 7 will qualify for the general election to be held Tuesday November 5, 2019. Qualifying will be held in the Human Resources Training Room on Tuesday, August 20th, 8:30 AM - 4:30 PM, Wednesday, August 21st 8:30 AM - 4:30 PM and Thursday, August 22, 2019 8:30 AM - 4:30 PM, each day they will close for lunch from 12:00 PM - 1:00 PM. Staff recommended approval.

Councilmember Derek Norton made a motion to approve to hold Election Qualifying in the Human Resources Conference Room at Smyrna, 2800 King Street, Smyrna GA on (3) specific days: Tuesday, August 20th, Wednesday, August 21st and Thursday, August 22, 2019, 8:30 AM - 4:30 PM, closed for lunch from 12:00 PM - 1:00 PM each day. Councilmember Susan Wilkinson seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

C. [2019-85](#)

Approval for the City of Smyrna to continue as a Subrecipient of the Cobb County Community Development Block Grant (CDBG) Program, to receive the grant amount of \$327,618.00, authorize the Mayor to sign and execute the 2019 Subrecipient Agreement documents.

Sponsors: Welch

Ms. Tammi Saddler Jones reviewed the pertinent information for this agenda item. Every year the City of Smyrna signs a Sub-recipient Agreement with Cobb County Community Development Block Grant Department. This agreement authorizes Cobb County to continue the administration of funds and reporting to the US Department of Housing and Urban Development on behalf of the City. The City's preliminary funding amount for program year 2019 is \$327,618.00 which was an increase from last year. This amount is subject to change/increase should HUD release more funds to Cobb County. CDBG Funds have been used to fund Parks and Recreation projects as well as Public Works projects, and projects within the City's Code Enforcement Division. Staff recommended approval of the agreement with Cobb County CDBG.

Councilmember Charles "Corkey" Welch made a motion to approve for the City of Smyrna to continue as a Subrecipient of the Cobb County Community Development Block Grant (CDBG) Program, to receive the grant amount of \$327,618.00, authorize the Mayor to sign and execute the 2019 Subrecipient Agreement documents.

Councilmember Derek Norton seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

D. [RES2019-02](#)

Approval of Resolution 2019-02 of the City of Smyrna Opposing House Bill 302 and Senate Bill 172, as it would prohibit local governments from regulating "building design elements" in single and double family dwellings.

Sponsors: Welch

City Administrator Tammi Saddler Jones advised Mayor and Council as to the background on House Bill 302 and Senate Bill 172. These Bills would prohibit local governments from regulating "building design elements" in single or double family dwellings, which could negatively impact economic development efforts and harm competitiveness. Appropriate local design standards and land use policies create a diverse, stable, profitable and sustainable residential development landscape. HB 302 and SB 172 are bills that would undermine self-determination of citizens to establish community standards. The City's Governing Body voiced its opposition to HB 302 and SB 172 entitled Preemption of Local Building Design Standards. City Staff supported the efforts of the Georgia Municipal Association (GMA) to oppose this bill.

Mr. Welch asked Community Development Director Ken Suddreth to explain the implications of such a bill.

Mr. Suddreth stated that the City has design standards and regulations that help keep the City looking nice. It was the way that the City was able to create such a unique and aesthetically pleasing downtown area. By passing such a bill, the State would be removing any control that local municipalities and the citizens that live there have over what their communities look like.

Mr. Gould said that one of the reasons citizens love living in Smyrna was that residents have the opportunity to have a say in what their communities look like through the Community Development Department and elected officials. Such a bill would take away the ability for those local to the area to make such decisions.

Before making a motion, Mr. Welch used the example of a picture of a pink house sent to him by a Mayor from another City. The house, roof, and driveway were all bright pink and if such a bill were to pass, this could be what your neighbor's house looks like.

Councilmember Charles "Corkey" Welch made a motion to approve Resolution 2019-02 of the City of Smyrna Opposing House Bill 302 and Senate Bill 172, as it would prohibit local governments from regulating "building design elements" in single and double family dwellings. Councilmember Maryline Blackburn seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

E. [2019-83](#)

Approval for the City to lease 53 parking spaces to Campbell High School on Belmont Blvd at Ward Street and authorize the Mayor to execute any related documents

Sponsors: Gould

Ms. Saddler Jones gave the background information. This parking lease agreement was made and entered by and between City of Smyrna and Cobb County School District on behalf of Campbell High School. The City would allow CHS access for lease 53 parking spots for student parking located on Belmont Blvd at Ward street to the brick cross walk for a cost of thirty dollars (\$30) for each spot sold up to \$1,590.00. The Parking Spots would be available for student parking Monday through Friday between the hours of 7:15 am and 4:00 pm. The Parking Spots will not be available on days when school is not in session. CHS agreed to maintain trash pick-up at this location. The Agreement will terminate at this end of this semester which is Wednesday, May 22, 2019. Staff recommended approval of the agreement.

Councilmember Gould explained that this was a way to support local schools and put to use some parking spaces which are rarely used.

Councilmember Tim Gould made a motion to approve for the City to lease 53 parking spaces to Campbell High School on Belmont Blvd at Ward Street and authorize the Mayor to execute any related documents with a second by Councilmember Derek Norton.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

F. [2019-87](#)

Public Hearing: Approval of the Memorandum of Understanding in filing for the Georgia Emergency Management and Homeland Security Agency Grant in the amount of \$287,150.00 (matching funds) for the purchase of a Lenco Bearcat Armored Vehicle and have the Mayor sign any related documents.

Sponsors: Norton

The background information on this item was presented by City Administrator Saddler Jones. This MOU was a necessary step for the Smyrna Police Department to apply for the Georgia Emergency Management and Homeland Security Agency Grant in the amount of \$287,150.00 for the purchase of a Lenco Bearcat Armored Vehicle. This vehicle will be used by the SWAT team in responding to all incidents that exceed the capability of patrol within our jurisdiction, including hostage situations, active shooters and barricaded gunmen. The grant is 100% reimbursable. Staff recommended approval of the Memorandum of Understanding to apply for the Georgia Emergency

Management and Homeland Security Agency Grant in the amount of \$287,150.00.

The Honorary Major opened the public hearing, and no one came forward to speak.

Councilmember Norton reiterated that this was the first step in applying for the grant and that if approved, the City will be reimbursed for any funds put out for the purchase of the requested items.

Councilmember Derek Norton made a motion to approve the Memorandum of Understanding in filing for the Georgia Emergency Management and Homeland Security Agency Grant in the amount of \$287,150.00 (matching funds) for the purchase of a Lenco Bearcat Armored Vehicle and have the Mayor sign any related documents. Councilmember Charles " Corkey" Welch seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

Ms. Tammi Saddler Jones read aloud the consent agenda.

Councilmember Derek Norton made a motion to approve the consent agenda as read aloud by City Administrator Tammi Saddler Jones with a second by Councilmember Maryline Blackburn.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Absent: 1 - Councilmember Fennel

- A. [2019-81](#) Approval of the February 18, 2019 Mayor and Council Meeting Minutes
- B. [2019-82](#) Approval of the February 18, 2019 Pre-Council Meeting Minutes
- C. [2019-64](#) Approve the closing of the following streets for the Smyrna Parks and Recreation's Easter Carnival and Movie: King Street from Bank Street to Village Green Circle, entire Village Green Circle from Atlanta Rd. from 3:00 p.m. - 10:00 p.m. on Saturday, April 13, 2019.
Sponsors: Wilkinson

9. Committee Reports:

Mr. Derek Norton spoke of how great it was to have the Smyrna Youth Council down at State Capitol last Friday. They had a tour and took a picture with the Governor. They also met with former Councilmember now State Representative Teri Anulewicz and got to watch her pass her first bill.

Ms. Andrea Blustein told Honorary Mayor Precious Ojiagbaje that she did a great job.

Ms. Maryline Blackburn commended Ms. Ojiagbaje on the great job that she did as Honorary Mayor. She talked about an event that she recently attended called the Cobb Project Soapbox. The event allowed students to speak on subjects that they were passionate about and the purpose was to encourage young people to stand up for what they believed in.

Mr. Charles "Corkey" Welch reminded everyone that there will be a shredding event on March 23, 2019 beginning at 9:00am at 884 Church Street.

Ms. Susan Wilkinson announced that March is Women's History month and the library is celebrating with a variety of displays and programs throughout the month. On Friday, March 15th at noon, there will be a brown bag book discussion on "Becoming" by Michelle Obama.

Mr. Tim Gould invited everyone to the Campbell Middle School Gala fundraiser which takes place on Saturday, March 9, 2019 and supports programs such as a STEM lab. Teacher grants and media center improvements. This past Friday, Campbell High School Varsity Baseball started their season with a home game at Lattanzi field where Mayor Bacon threw the opening pitch. Local Musician Pat Terry is hosting a fundraising concert at the Community Center on Friday, March 22, 2019.

Ms. Tammi Saddler Jones said it was a pleasure having Ms. Ojiagbaje as Honorary Mayor and wished her luck during her senior year of high school. She also announced that Mayor Bacon will be dyeing the Market Village fountain green for St. Patrick's Day on Saturday, March 16th at 5:00pm.

Mr. Scott Cochran told Ms. Ojiagbaje that she did a great job and thanked her for coming.

Mr. Scott Andrews reminded everyone of the Community Update Meeting regarding the Vision Plan which will take place on Tuesday, March 5th at 7:00pm in the Community Center. He also offered his congratulations to Mr. Rusty Martin from the Community Development Department who recently welcomed a new baby girl to his family.

Ms. Terri Graham said that it was a pleasure working with Honorary Mayor Precious Ojiagbaje and wished her luck in her future endeavors.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Ms. Pat Burns, 10 Concord Road, came to speak about diversity. She thanked Councilmember Blackburn for her support of the recent event that celebrated Black History Month. She spoke about her dissatisfaction regarding a vote in favor of a variance request that took place at the last meeting. She hopes that the City will not

only talk the talk but also walk the walk when it comes to diversity. Ms. Burns would like to see the Council make sure that all residents have a seat at the diversity table.

12. Adjournment:

Honorary Mayor Precious Ojiagbaje adjourned the March 4, 2019 Mayor and Council meeting at 7:45 PM.