



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, April 16, 2018

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 Ron Fennel

Also Present: 11 - Tammi Saddler Jones, Scott Andrews, Scott Cochran, Terri Graham, Lisa Ochoa, Russell Martin, Ken Suddreth, Scott Stokes, Davi Santos, Jennifer Bennett and David Lee

Call to Order

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

1. Invocation and Pledge:

The Invocation and Pledge was led by Deacon Tim Gibson of International Gospel Outreach Church located at 1101 Windy Hill Road.

2. Agenda Changes:

Mayor Bacon announced an agenda change for item 4 B under Land Issues. This item would be tabled until the May 7, 2018 Mayor and Council meeting.

3. Mayoral Report:

Mayor Bacon announced the passing of Mr. John Williams. Mr. Williams was the CEO of Post Properties. For ten (10) plus years he provided landscaping services to the City of Smyrna at no cost during his tenure.

Mayor Bacon asked if there were any candidates present that would like to introduce themselves. Ms. Taryn Bowman came forward and announced her candidacy for State House in District 40.

4. Land Issues/Zonings/Annexations:

- A. Public Hearing - Apartment Name Change Request 2018-153 - 2200 Woodlands Drive SE - Name change from GC Jasmine Woodlands LLC dba Jasmine Woodlands - To GC Jasmine Woodlands LLC dba The Alcove with Anahita Ghalandar as agent.

Sponsors: Blustein

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background. Jasmine Woodlands, LLC dba Jasmine located at 2200 Woodlands Drive SE recently

decided to change the name of the complex to The Alcove. The proper Name Change Application has been reviewed and approved by the Fire Marshal, Building Inspector, City Engineer, 911 Communications as well as reported to the Business License Officer. Staff recommended approval of the name change from Jasmine Woodlands to The Alcove. Mayor Bacon stated the change was administrative and the applicant did not need to be present.

Mayor Bacon called for the Public Hearing and no one came forward.

A motion was made by Councilmember Andrea Blustein to approve Apartment Name Change Request 2018-153 from GC Jasmine Woodlands LLC dba Jasmine Woodlands to GC Jasmine Woodlands LLC dba The Alcove, located at 2200 Woodlands Drive SE by applicant Anahita Ghalandar as agent, seconded by Councilmember Susan Wilkinson.

The motion to approve carried by the following vote:

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

- B. Public Hearing - Zoning Request Z18-005 - Rezoning from GC to OI for use of the building as a dormitory for Atlanta Dream Center - 1.84 Acres - Land Lot 346 - 460 Bourne Drive - Atlanta Dream Center. This Zoning Request will be tabled to the May 7, 2018 City Council meeting.**

Sponsors: Wilkinson

A motion was made by Councilmember Susan Wilkinson to table Zoning Request Z18-005 to rezone from GC to OI for the use of the building as a dormitory for Atlanta Dream Center on 1.84 Acres at Land Lot 346 located at 460 Bourne Drive seconded by Councilmember Charles "Corkey" Welch. This Item is to be tabled to the May 7, 2018 City Council Meeting.

The motion to table carried by the following vote:

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

- C. Approval of Ordinance #2018-01 - (100% of owners requesting annexation) - Land Lots 609, 610, 614 and 615, 17th District, 2nd Section, Cobb County, Georgia, 18.7 acre tract located at 1677 and 1691 Buckner Road SE, Mableton Georgia. The applicant is Whitefield Academy and the property will become a part of Ward 7. The effective date will be May 1, 2018**

Sponsors: Fennel

Mayor Bacon read aloud the agenda item for annexation request for Whitefield Academy.

Councilmember Ron Fennel added that the annexation would complete the full encompassment of the campus of Whitfield Academy totaling about 100 acres into the City of Smyrna. The property would be a part of Ward 7 and effective May 1, 2018.

A motion was made by Councilmember Ron Fennel to approve Ordinance 2018-01, (100% of owners requesting annexation) for Land Lots 609, 610, 614 and 615, in the 17th District, 2nd Section of Cobb County, Georgia, on a total of 18.7 acre tract

located at 1677 and 1691 Buckner Road SE, Mableton Georgia by applicant Whitefield Academy and the property would be part of Ward 7 with an effective date of May 1, 2018, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

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

D. Public Hearing Only - Zoning Request Z18-004 - Rezoning from R-20 to RAD-Conditional for two residential lots at 4.69 units per acre - 0.426 Acres - Land Lot 519 - 2451 Adams Drive - Ronald S. Dickinson

Sponsors: Blackburn

Mayor Bacon asked City Administrator Tammi Saddler Jones to provide the background. The applicant Mr. Ronald S. Dickinson requested to rezone the property from R-20 to RAD-Conditional to divide the subject property into two lots. Mr. Dickinson proposed leaving the existing home on one lot (closest to Belmont Avenue) and would construct a new detached single family home on the second lot. The zoning request was heard by the Planning and Zoning Board at the March 12, 2018 meeting and was recommended for approval by a vote of 6-0. Community Development recommended approval for rezoning the subject property from R-20 to RAD-Conditional for two detached single-family units at a density of 4.69 units per acre with conditions.

Mayor Bacon called for the Public Hearing and no one came forward.

Community Development Senior Planner Rusty Martin stated the property is located on the Southeast corner of Adams Drive and Belmont Avenue. The applicant proposed leaving the existing home and building a new house on the second lot. This would require a change in the zoning and the density would change from low to medium. The applicant requested three (3) setback Variances that were similar to those granted for a property caddy corner to this one on Adams Drive. Mr. Martin stated the Community Development staff recommended approval with the following standard and special conditions:

Standard Conditions

(Requirement #1, 2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code are not applicable)

- 1. The stormwater management facility 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.*
- 2. All utilities within the development shall be underground.*
- 3. 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.*
- 4. No debris may be buried on any lot or common area.*

5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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
9. The development shall maintain the following minimum setbacks:
Front - 20'
Side - 10'
Rear - 15'
10. Driveway - 22' minimum length from building face to back of sidewalk.
11. Each home will be a minimum of 1,800 square feet in floor area.
12. The minimum allowable lot size shall be 9,085 sq. ft..
13. The minimum allowable lot width shall be 100'.
14. Curb Cuts shall be prohibited on Belmont Avenue.
15. The final plat for the development shall include a right-of-way dedication of 5' along Adam Drive. Setbacks shall be taken from the existing right-of-way.
16. The final plat for the development shall include a right-of-way dedication of 10' along Belmont Avenue. Setbacks shall be taken from the existing right-of-way.
17. The developer or property owner will need to remove the existing fence where the fence encroaches within the right-of-way.
18. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 2/9/2018 created by DGM Land Planning Consultants.
19. The home shall be constructed in substantial compliance with the architectural elevations submitted and dated 2/9/2018. The home shall meet the façade requirements established in stipulation #20 below. Approval of any change to the elevations must be obtained from the Director of Community Development.
20. 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.
21. The additional stipulations agreed upon by the applicant in the letter by Garvis

Sams submitted and dated on March 2, 2018. If there should be a discrepancy between the stipulations in the March 2, 2018 letter and the stipulations stated above, the stipulations stated above shall apply.

Mayor Bacon called Attorney Garvis Sams to the podium for questions.

Mr. Sams stated there was no opposition during the Planning and Zoning meeting and he had spoken to area residents and answered all questions concerning the request. Mr. Sams went on to say that this rezoning would assist in diminishing the unincorporated island located in unincorporated Cobb County. The applicant planned to build a custom home priced at \$400,000.00 or more depending on the purchasers preference. Mr. Sams established that his client agreed with the conditions.

A Public Hearing Only occurred for the proposed Zoning Request Z18-004 for the rezoning from R-20 to RAD-Conditional for two residential lots at 4.69 units per acre on 0.426 Acres at Land Lot 519 located at 2451 Adams Drive by applicant Ronald S. Dickinson.

There was no vote taken.

- E.** Approval of Ordinance #2018-07 - Annexation request (100% of owners requesting annexation) - Land Lot 519, 17th District, 2nd Section, Cobb County, a total of 0.426 Acre Tract, located at 2451 Adams Road, Smyrna Georgia 30080, this property will become part of Ward 3 and the effective date will be May 1, 2018.

Sponsors: Blackburn

Mayor Bacon gave the background on Ordinance 2018-07 for the requested Annexation Approval.

A motion was made by Councilmember Maryline Blackburn to approve Ordinance 2018-07 Annexation request (100% of owners requesting annexation) for Land Lot 519, in the 17th District, 2nd Section of Cobb County, Georgia on a total of 0.426 Acre Tract, located at 2451 Adams Road, Smyrna Georgia 30080, by applicant Mr. Ronald S. Dickinson and the property would become part of Ward 3 with an effective date of May 1, 2018, seconded by Councilmember Ron Fennel.

The motion to approve carried by the following vote:

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

- F.** **Final Vote** - Zoning Request Z18-004 - Rezoning from R-20 to RAD-Conditional for two residential lots at 4.69 units per acre - 0.426 Acres - Land Lot 519 - 2451 Adams Drive - Ronald S. Dickinson

Sponsors: Blackburn

Mayor Bacon gave the background on the Final Vote for Rezoning Request Z18-004.

A motion was made by Councilmember Maryline Blackburn to approve Zoning Request Z18-004 for the Rezoning from R-20 to RAD-Conditional for two residential lots at 4.69 units per acre on 0.426 Acres Land Lot 519 located at 2451 Adams Drive by Mr. Ronald S. Dickinson, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

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

5. Privilege Licenses:

There were no Privilege License requests.

6. Formal Business:

- A.** Award RFP 18-016 for the purchase of a 24' x 20' Mobile Hydraulic Stage and accessory package to Stageline Mobile Stage Inc., this vendor was the only responsive bidder, located at 827 Boulevard de l'Ange-Gardiea, L'Assomption, Quebec, Canada in the amount of \$143,975.00, authorize use of Hotel/Motel fund balance for the purchase and amend the budget accordingly.

Sponsors: Fennel

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background. Staff requested proposals for a 24' x 20' mobile hydraulic stage to be used for the City's outdoor summer concert series and for other city sponsored events. Only one proposal was received and it was from Stageline Mobile Stage Inc. located in Canada. After a review of the proposed documentation and pricing, it was recommended by the Community Relations Department and the Purchasing Manager to award RFP 18-016 for the purchase of a new mobile hydraulic stage to Stageline Mobile Stage Inc. in the amount of \$143,975.00. The funds would come from the Hotel/Motel fund balance and our Finance Staff would need to amend the budget accordingly since this project was not previously budgeted for this current fiscal year.

Boardmember Ron Fennel expressed the rarity of the City to be allowed to acquire an addition to the community to enhance City events and would allow for the display of local talents. This mobile state of the art tool would receive funding through the Hotel/Motel tax fund balance.

A motion was made by Councilmember Ron Fennel to approve the RFP 18-016 Award for the purchase of a 24' x 20' Mobile Hydraulic Stage and accessory package to Stageline Mobile Stage Inc., (this vendor was the only responsive bidder), located at 827 Boulevard de l'Ange-Gardiea, L'Assomption, Quebec, Canada in the amount of \$143,975.00, and to authorize use of the Hotel/Motel fund balance for the purchase and amend the budget accordingly, seconded by Charles "Corkey" Welch.

The motion to approve carried by the following vote:

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

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

A motion was made by Councilmember Ron Fennel to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

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

- A.** Approval of the April 2, 2018 Mayor and Council Meeting Minutes
Sponsors: City Council
- B.** Approval of the April 2, 2018 Mayor and Council Pre Council Meeting Minutes
Sponsors: City Council
- C.** Award RFP 18-013 Roswell Street Roundabout to the lowest bidder Vertical Earth Inc. 6025 Matt Highway, Cumming Ga. 30028 for \$1,039,558.87 and authorize the Mayor to execute any related documents.
Sponsors: Blackburn
- D.** Reject all bids for RFP 18-009 Sewer Sub Basin 3 Rehabilitation and authorize the re-bid of this project.
Sponsors: Welch
- E.** Consideration and adoption of Personnel Policy GEN-9-1 Social Media and authorize Mayor to execute related documents.
Sponsors: Fennel
- F.** Authorize Atkins Park Tavern to operate a beer/wine/specialty two-item cocktail station, beyond the boundaries of the premises and covered by the license of Atkins Park Tavern, at the Smyrna Art Stroll and Kid Free Date Night & Movie Night event in the downtown area Saturday, May 5, 2018_(5:30 p.m. until 8:00 p.m.) at an assigned vendor space within the approved event. The exact location of the cocktail/drink station is to be within the food service area for the event, from W Spring Street to Village Green traffic circle, and from Village Walk/Bank Street to King Street SE. Streets closed during the event will be King Street in front of the Veteran's Memorial, from Bank Street to Village Green Circle in front of Community Center.
Sponsors: Wilkinson
- G.** Approval to allow road closures for the Smyrna 5K road race for the Smyrna Public Safety Foundation, September 3, 2018 from 7:00- 9:30 AM. Road closures include the barricaded areas on each of the following

roads: Powder Springs St, Village Green Cir, W Spring St, King St and Memorial Pl.

Sponsors: Fennel

- H. Approval to allow road closures for the Smyrna Village 10K road race on November 17, 2018 from 7:45 - 10:00 AM. Road closures include the barricaded areas on each of the following roads: Powder Springs St, Village Green Cir, W Spring St, King St and Memorial Pl.

Sponsors: Fennel

9. Committee Reports:

Councilmember Andrea Blustein announced on May 15, 2018 she would have her Ward 2 meeting at the Community Center from 6:30 PM TO 8:30 PM.

Councilmember Susan Wilkinson announced that on April 28, 2018, after the Jonquil Jog, the Spring Jonquil Festival would start at 10:00 AM and on Sunday at 12 PM.

Councilmember Ron Fennel encouraged the public to attend the upcoming budget meeting on Monday, April 23, 2018 at 3:30 PM, in the Administrative Conference Room on the 2nd floor of City Hall.

City Administrator Tammi Saddler Jones announced the City of Smyrna would host an informational meeting concerning the Windy Hill Boulevard SPLOST infrastructure project on April 17th. The project would go from Atlanta Road to Old Concord Road. Utility relocation work would begin this Spring and the Windy Hill Boulevard Construction would begin this Fall. The project is anticipated to be completed in the year 2021. Ms. Saddler Jones stated there would be stations set up in the gym for the public to discuss timelines, and ask questions. The meeting will be located in the large gymnasium at the Smyrna Community Center.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Mayor Bacon called for Citizen's Input; two (2) Citizens came forward to speak. Ms. Susan Bentley of 2651 Gilbert Street came forward and voiced her concerns about the Grizzly Experience that would take place during the Jonquil Festival. She felt this exhibit did not fit as an educational venue. She stated the three (3) magnificent animals should not be placed in a small enclosure. She added that this was not how she intended to have her grandchildren learn about Grizzly Bears and asked that the City please reconsider this exhibit.

Mayor Bacon shared the following information concerning the background of the Grizzlies Exhibit:

All of the bears were rescued from facility's that either did not have room for them or could no longer care for them. They also worked with state agencies in an effort to help rehabilitate and rescue wild bears that became a nuisance. In the wild, the average life span for a brown bear has typically been 10 to 15 years. In captivity, the bears have been known to live about 50 years. Cost of long-term care for bears who are or had

been in captivity as well as the space required to provide a quality habitat could be a challenge and was part of the reason for the need for rescue. The people behind the outreach were a part of the solution for bears that had gotten into trouble or circumstance counter to their wellbeing. The bears travel in a custom-built, air-conditioned trailer that has been inspected and approved by Florida Fish & Wildlife as well as USDA. It has essentially become a den for the bears, where they feel comfortable and are under direct care 24/7.

The "Grizzly Experience" outreach show has become part of a for-profit business and is used to support the bears and their human family. In November 2018, the non-profit black bear rehabilitation center (the official black bear rehabilitation center for the state of Florida now under development) is expected to be operational and would be supported not only by grants and donations but also by the outreach programs that they conduct now. Along with the black bear rehab center, the other side of the non-profit is a camp for disabled children, particularly burn victim children.

Mayor Bacon assured Ms. Bentley that the bears would not be mistreated and the company had to go through several state agencies to become accredited. He also stated that the Director of Community Relations, Jennifer Bennet could give her more information on the exhibit.

Mr. Blair Watson of 2510 North Matthews Street came forward to speak concerning the roundabout at the Roswell, North Matthews intersection. He stated he was concerned about the street being closed for 70 of the 270 day construction period and how he would be able to get to his home. Mayor Bacon explained to Mr. Watson that this part of the meeting was only for comments and that he could speak with Public Works Director Scott Stokes about his concerns. Mayor Bacon also reassured him that the contractor would have to allow access.

12. Adjournment:

Mayor A. Max Bacon adjourned the meeting of the Mayor and Council at 7:43 PM.