



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

Monday, September 16, 2019

7:00 PM

Council Chambers

### Roll Call

**Present:** 8 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Ron Fennel

**Also Present:** 7 - Tammi Saddler Jones, Terri Graham, Jeffrey Tucker, Russell Martin, Jennifer Bennett, Tina Monaghan and Dat Luu

### Call to Order

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

#### 1. Invocation and Pledge:

Pastor Carolyn Vinson, Highpoint Christian Tabernacle located at 3269 Old Concord Rd delivered the invocation and led all in the Pledge of Allegiance.

#### 2. Agenda Changes:

Item 4 (A) under Land Issues, Zonings and Annexation will be tabled at the request of the applicant to October 7, 2019.

Item 8 (F) under the Consent Agenda has been withdrawn.

#### 3. Mayoral Report:

##### B. [2019-309](#)

Recognition of the Smyrna Arts Council and local artists for the inaugural City Hall Art Exhibit.

**Sponsors:** Fennel

*Mayor Bacon moved the Smyrna Arts Council up to the first item on the agenda in the Mayor's Report.*

*Councilmember Ron Fennel read aloud the Proclamation in recognition of the Smyrna Arts Council and local artists.*

*Councilmember Ron Fennel thanked the artists for making Smyrna a richer community and then he invited some of those involved to come up front and say a few words.*

*Ms. Nancy McGee, Vice President of the Arts Council spoke, and she began by introducing the President, Ms. Joan Stuart who chose not to speak. She let everyone know how helpful Mr. Maxwell Ruppensburg was during the process. Ms. Sonya Ingle,*

who was one of the artists also helped to hang the art. Ms. Leah Barnes took care of communications.

The inaugural exhibit consisted of 23 works of art by 12 local/regional artists and included acrylic and oil paintings, pastel, photos, and quilts.

Exhibiting Artists were as follows:

1. Howard Campbell
2. Helen Dubiner
3. Joan Friedman
4. Jack Gould
5. Julie Gudger
6. Sonya Ingle
7. Shelly Leitheiser
8. Colt Miley
9. Melinda Rushing
10. Marsha Hamby Savage
11. Charlie Stannard
12. Susanne Taunton

The exhibit will be up through the month of October and art work can be purchased by contacting the artist directly.

**A.**     [2019-259](#)

Proclamation in Recognition of Constitution Week, Sept 17-23, 2019, Fielding Lewis Chapter, (National Society Daughters of the American Revolution)

**Sponsors:**       Welch

*Councilmember Charles "Corkey" Welch read aloud the proclamation in recognition of Constitution Week which is September 17-23, 2019.*

*Councilmember Welch asked those present to come up and speak. They introduced themselves and shared who their primary Patriots were.*

*Members of the Fielding Lewis Chapter, National Society Daughters of the American Revolution (NSDAR...also known as DAR – Daughter of the American Revolution) were as follows:*

*Ann Ameye – Chapter Regent  
Tricia Powers – Immediate Past Chapter Regent  
Linda Lopez – Vice Regent  
Emily Hewette – Co-chair Constitution Week Committee  
Vicki Hoffman  
Jennifer Bennett*

*Councilmember Charles "Corkey" Welch read aloud the proclamation in recognition of Constitution Week which is September 17-23, 2019.*

[2019-325](#)

Suspend the rules to add an agenda item to overturn the Mayor's Veto of the Consent agenda item 8 D from the September 3, 2019 Mayor and Council Meeting

Councilmember Maryline Blackburn made a motion to suspend the rules to add an agenda item to overturn the Mayor's Veto of the Consent agenda item 8 D from the September 3, 2019 Mayor and Council Meeting, seconded by Councilmember Susan

Wilkinson.

The motion to add an item to the agenda failed by the following vote:

**Aye:** 2 - Councilmember Blackburn and Councilmember Wilkinson

**Nay:** 4 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Gould and Councilmember Fennel

#### 4. Land Issues/Zonings/Annexations:

##### A. [2019-318](#)

**Public Hearing** - Zoning Request Z19-014 - Modification of site plan for 130 unit townhome development at Riverview Landing - 22.57 Acres - Land Lots 171, 172 - Riverview Road - The Ardent Companies, LLC - **The applicant has requested this item be tabled until October 7, 2019 Agenda.**

**Sponsors:** Fennel

Councilmember Ron Fennel made a motion to table 2019-318 for a Public Hearing - to the October 7, 2019 Mayor and Council Meeting for Zoning Request Z19-014 - Modification of site plan for 130 unit townhome development at Riverview Landing - 22.57 Acres - Land Lots 171, 172 - Riverview Road - The Ardent Companies, LLC., seconded by Councilmember Derek Norton.

The motion to table carried by the following vote:

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

##### B. [2019-268](#)

**Public Hearing** - Approval of subdivision plat for two lots with a lot width variance for each lot - 0.87 Acres - Land Lot 489 - 2646 Hughes Street - Fairbanks Construction Services, LLC

**Sponsors:** Blackburn

*City Administrator Tammi Saddler Jones provided the background information on this agenda item. The applicant requested approval to divide an existing lot into two residential lots at 2646 Hughes Street. The subject property is currently comprised of one lot of record fronting on Hughes Street. The lot is occupied by a single-family home that will be demolished. The applicant wishes to revert to the two-lot configuration to build a single-family home on each lot. Planning & Zoning Board approved the proposed plat with lot width variance by a vote of 5-0. Community Development recommended approval of the requested reconfiguration and replatting of 2646 Hughes Street.*

*Mayor Bacon announced the Public Hearing and asked anyone wishing to speak to come up front and be sworn in.*

*Assistant City Attorney Jeffrey Tucker swore in three people including the applicant.*

*Community Development Director Rusty Martin reviewed a powerpoint presentation with Mayor and Council. The applicant is requesting approval to divide an existing lot into two residential lots at 2646 Hughes Street. The subject property is currently comprised of one lot of record fronting on Hughes Street. The original subdivision plat is recorded*

*with the same property platted as two lots in 1936 within the Mrs. R.N. Hughes Subdivision. The lot is occupied by a single family home that will be demolished. The applicant wishes to revert to the two lot configuration to build a single family home on each lot. The applicant has submitted a proposed site plan for the development for your reference. The subject property is 38,546 sq. ft. in size and is zoned R-15 (single-family residential). The proposed subdivision will result in two new lots having frontage on Hughes Street with lot widths of 78' and being a minimum of 19,251 sq. ft. in size.*

*The proposed reconfiguration and replatting will require the following variance for each lot:*

- 1. Reduction in the minimum lot width at the setback line from 85' to 78'*

*Lot sizes along this section of Hughes Street vary from 13,500 sq. ft. to 37,897 sq. ft.*

*Average*

*lot size is 17,860 sq. ft. The two proposed lots have an area of 19,255 sq. ft. and are consistent*

*with the existing development pattern in this immediate area. Approval of the proposed lot split*

*will revert the lots to the configuration as originally recorded for the Mrs. R.N. Hughes Subdivision plat. Community Development has reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. The variance is necessary to reconfigure the two lots as they were originally. The subject property will maintain an R-15 zoning classification and will not increase the density for the property in its original configuration. Community Development recommended approval of the requested reconfiguration and replatting of 2646 Hughes Street.*

*The Mayor asked the applicant to come forward.*

*Mr. Joel Powell disclosed that he is the Planning and Zoning Commission Chairperson and that he properly recused himself during the meeting where this item was discussed. He thanked his daughter and staff member that presented his application to the Planning and Zoning Commission since he could not. He stated that he has lived his entire life in the Smyrna and works in the City as well. Mr. Powell provided some background information on himself and some of the projects that he has already completed around the City. The goal of the replatting was to take the property back to the original plat which had it as two separate lots. There is no rezoning required and the end result would be to have two beautiful homes that are an asset to the community and to preserve as much of the canopy as possible.*

*Councilmember Blackburn expressed concerns about losing the beautiful trees on the property. Mr. Powell reversed his original plan to protect the huge, old trees on the lot. The key to saving the canopy was having the flexibility to place the houses in a manner that gets them away from the trees.*

*Councilmember Wilkinson asked if the new homes would be closer to the road than the house that is currently on the property. Mr. Powell stated that the plan is to have the new houses closer to the road which will allow preservation of the trees.*

*Councilmember Fennel applauded Mr. Powell for taking the time and thinking about the ultimate benefit to the City. He asked if the City needed to give more of a setback and what was the price point? Mr. Powell answered that the price point is around \$750,000 and which is in keeping with the other properties in the neighborhood.*

Mayor Bacon asked anyone wishing to speak to come forward.

Ms. Judi Adkins, 2630 Hughes Street, has lived next door to the lot for 30 years. She has previously talked to Mr. Rusty Martin and spoke at the Planning and Zoning meeting as well. She bought a house here in 1989 because she fell in love with the tree lined streets and raised five sons in her 1400 square foot home. Ms. Adkins wanted people to hear about the struggle to keep the feel of the smaller houses rather than the giant houses which has led to a 50% loss of the canopy. Her wish is that however Mr. Powell proceeds, he will work with them because part of her driveway is on the proposed lot. She would like to see them keep 20 feet in between houses and save as many trees as possible.

Mr. Carlton Adkins, 2630 Hughes Street, lives on the lot north of the property. His wife Judi spoke previously. Mr. Powell did hear them speak about the trees and he is a fantastic builder. The Plat from 1989 showed driveway fell within his property line but it is actually 4 foot into Mr. Powell's property. Mr. Adkins is concerned about the new house being only 6 feet away from his driveway which is set right up against his house. He would like for the two new proposed houses to be moved closer together if possible.

Councilmember Welch asked if the preference would be to move the houses closer to the street.

Councilmember Wilkinson stated that she appreciated Mr. and Mrs. Adkins coming to the meeting to speak. She too lives in a small house with a double lot and values her outdoor space. Ms. Wilkinson felt that each situation relating to double lots should be dealt with on a case to case basis.

Mr. Powell stepped back up at the Mayor's request. He stated that the City's Zoning Ordinances say should dictate how the matter is handled and suggested allowing staff to make suggestions as to how to best do things since they are professionals and know how to work things out. Mr. Powell encouraged Mr. and Mrs. Adkins to take their plat to the surveyor to make sure that everything is correct.

Mayor and Council summed up their thoughts regarding the replatting on Hughes Street.

Councilmember Maryline Blackburn made a motion to approve 2019-268 for a subdivision plat for two lots with a lot width variance for each lot - 0.87 Acres - Land Lot 489 - 2646 Hughes Street - Fairbanks Construction Services, LLC., 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, Councilmember Gould and Councilmember Fennel

## 5. Privilege Licenses:

- A. [LIC2019-20](#) **Public Hearing** - Privilege License Request 2019-20 - Beer and Wine Pouring - 3315 South Cobb Drive STE 300 - Wyer Street Foods LLC dba Wyer Street Foods with Farhan Rabbi as agent.

**Sponsors:** Blackburn

*Ms. Saddler Jones read aloud the information regarding the privilege license. Farhan Rabbi will be the registered agent responsible for the sale of alcohol at the referenced location. Farhan Rabbi has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Farhan Rabbi has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Staff recommended approval of privilege licenses for the sale of beer and wine (retail pouring) at Wyer Street Foods LLC with Farhan Rabbi as the registered agent.*

*Mayor Bacon announced the Public Hearing, and no one came forward.*

*The applicant, Mr. Farhan Rabbi came forward and answered questions from Council about his business and willingness to abide by the regulations set forth.*

A motion was made by Councilmember Maryline Blackburn to approve the Privilege License Request 2019-20 - Beer and Wine Pouring - 3315 South Cobb Drive STE 300 - Wyer Street Foods LLC dba Wyer Street Foods with Farhan Rabbi 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, Councilmember Gould and Councilmember Fennel

## 6. Formal Business:

### A. [2019-264](#)

Abandon an alleyway behind 1529 and 1539 Roswell Street and authorize the Mayor to execute all necessary documents to convey the alleyway to the adjacent property owners.

**Sponsors:** Blackburn

*Mr. Jeffrey Tucker, Assistant City Attorney, provided the background information on this item. Involves an abandoned alleyway that was once used for trash pick-up but has not been used in many years. The area involved covers about two hundred square feet on Roswell Street and three hundred square feet on the other street. Three total property owners are involved and everything has been worked out to everyone's satisfaction.*

Councilmember Maryline Blackburn made a motion to approve 2019-264 to abandon an alleyway behind 1529 and 1539 Roswell Street and authorize the Mayor to execute all necessary documents to convey the alleyway to the adjacent property owners, seconded by Councilmember Charles "Corkey" Welch.

The motion to approve carried by the following vote:

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

### B. [2019-321](#)

Approve the release and settlement agreement between the City of Smyrna, Woodland Walk Community Association, Inc., and Hidden Falls HOA of Smyrna, Inc. with the City of Smyrna's portion of the settlement

being \$25,000.00 to be taken from the Stormwater Fund and authorize the Mayor to execute any related documents.

**Sponsors:** Welch

*Councilmember Welch provided the background on this since he had been working with the neighborhoods. He explained that this has been an ongoing issue for four years. One of the two subdivisions was built higher than the other which had resulted in a water run off issue for some residents. The settlement involves a cost of \$25,000 to the City and includes a release from further liability. The insurance companies of each of the homeowners involved are also contributing to the costs.*

Councilmember Charles "Corkey" Welch made a motion to approve 2019-321 the release and settlement agreement between the City of Smyrna, Woodland Walk Community Association, Inc., and Hidden Falls HOA of Smyrna, Inc. with the City of Smyrna's portion of the settlement being \$25,000.00 to be taken from the Stormwater Fund and authorize the Mayor to execute any related documents, 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, Councilmember Gould and Councilmember Fennel

**C.** [2019-322](#)

Approve the release and settlement agreement between the City of Smyrna and Todd Peters, the property owner at 4144 Manson Avenue with the amount being \$95,000.00 to be funded out of the Infrastructure Fund and authorize the Mayor to execute any related documents.

**Sponsors:** Welch

*Assistant City Attorney Tucker provided the background on this. When Bennett Woods Subdivision was originally platted decades ago there was a question about the waterway and ownership of the area. Over time the waterway has caused some structural damage to the property owners' home. There was no active litigation but in order to close off future potential liability, there has been a release and settlement worked out. This settlement includes a disclaimer of the land where the waterway falls and will be for the current and all future owners of that parcel. All parties are in agreement and ready to move forward.*

Councilmember Charles "Corkey" Welch made a motion to approve 2019-322 the release and settlement agreement between the City of Smyrna and Todd Peters, the property owner at 4144 Manson Avenue with the amount being \$95,000.00 to be funded out of the Infrastructure Fund and authorize the Mayor to execute any related documents, 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, Councilmember Gould and Councilmember Fennel

**D.** [2019-320](#)

Approve the purchase of the CivicRec digital registration platform for use by the Parks and Recreation Department for an annual cost of \$26,746.22 plus one time implementation and training cost of \$25,900.00 for a total of \$52,646.22 and authorize the Mayor to execute

any and all documents.

**Sponsors:** Bacon

*Ms. Saddler Jones reviewed the pertinent information for this agenda item. The Parks and Recreation Department will be updating its activity registration software. The new software will allow the City to pass on any credit card fees to the end user. The CivicRec software is tailored specifically for government entities. Civic Plus, Inc. is the sole source provider of this Recreation Management System (CivicRec). It was the recommendation of the Parks & Recreation Director and the Purchasing Manager that the City award the updated registration software package to Civic Plus in the amount of \$52,646.22 (this includes a one-time implementation and training cost) and authorize the Mayor to execute any and all related documents.*

Councilmember Derek Norton made a motion to approve the purchase of the CivicRec digital registration platform for use by the Parks and Recreation Department for an annual cost of \$26,746.22 plus one time implementation and training cost of \$25,900.00 for a total of \$52,646.22 and authorize the Mayor to execute any and all documents, seconded by Councilmember Andrea Blustein.

The motion to approve carried by the following vote:

**Aye:** 5 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Gould and Councilmember Fennel

**Nay:** 1 - Councilmember Wilkinson

## 7. Commercial Building Permits:

There were no Commercial Building Permits.

## 8. Consent Agenda:

*City Administrator Tammi Saddler Jones read aloud the Consent Agenda.*

A motion was made by Councilmember Tim Gould to approve the Consent agenda as read aloud for A, B, C, D, E and G, item F was withdrawn at the beginning of the meeting, seconded by Councilmember Ron Fennel.

The motion to approve carried by the following vote:

**Aye:** 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

**Nay:** 1 - Councilmember Blackburn

- A. [2019-310](#) Approval of the September 3, 2019 Mayor and Council Meeting minutes.
- B. [2019-312](#) Approval of the September 3, 2019 Pre-Council Meeting minutes.
- C. [2019-317](#) Approval of the August 29, 2019 Committee of the Whole Meeting minutes.



- D. [2019-315](#) Approval of FY 2019 Final Budget Amendment.  
**Sponsors:** Fennel
- E. [2019-314](#) Approval of 2020 Annual Smyrna Community Event Dates.  
**Sponsors:** Fennel
- F. [2019-311](#) Approve the closing of the following areas of Smyrna Market Village for a Downtown College Football Saturday: West Spring Street from Atlanta Road to the pavilion, inclusive of the roundabout and both lanes alongside the storefronts of 1260 and 1265 W. Spring Street from 4:00 PM until 11:00 PM on Saturday, September 21, 2019.  
**Sponsors:** Fennel
- G. [2019-319](#) Approve the closing of the following streets for the Smyrna Parks and Recreation's Casper's Fall Carnival: King Street from Bank Street to Village Green Circle, entire Village Green Circle from Atlanta Rd. from 4:00 p.m. - 10:00 p.m. on Friday, October 11, 2019.  
**Sponsors:** Bacon

## 9. Committee Reports:

*Councilmember Norton spoke about the great surprise birthday party that Smyrna Police arranged for Tye Clinner, a child with Cerebral Palsy. Many police agencies from around the area also participated.*

*Councilmember Blackburn thanked the Smyrna Arts Council for pulling together the display at City Hall. The Patriot Day Memorial Service was well attended, and she thanked those that participated. Taste of Smyrna was a huge success and the event showed that Smyrna is truly a family friendly city. Dittoed Councilmember Norton about the birthday party for Tye Clinner. She finished up by speaking about diversity and inclusion and the importance of celebrating the cultures that make up our City. Ms. Blackburn made mention of the youngest artist that participated in the recent art display at City Hall which was Jack Gould who is 13 years old and he is the son of Mr. Tim Gould.*

*Councilmember Welch thanked everyone for coming out to the Taste of Smyrna event. He enjoyed partaking of the many types of food that were available.*

*Councilmember Wilkinson thanked staff for the Patriot Day event. As part of the Smyrna Reads program, the Library is inviting everyone to read the U.S. Constitution. The library will be hosting two discussions for adults and for young people, there will also be a one woman play focused on the Revolutionary Era. More information can be found on the Library's website.*

*Councilmember Gould shared some information from the Air Quality Oversight Committee meeting that took place earlier that day. 80% of the stations showed no evidence of ethylene oxide and 20% showed only small amounts of ethylene oxide. The goal of the committee is to get the data and information out to residents as soon as possible so that everyone can be informed. All the information on the study can be*

found on the City website under the latest news tab on the home page.

Councilmember Fennel wanted to applaud the team for Air Quality. He thanked Cobb County and others who have joined forces with the City for helping out with fact finding. The Finance Committee should be applauded for their preparation of year end budget amendments. Mr. Fennel applauded those at Riverview Landing for their work on the project on the river. He also applauded the diversity that was represented by the Taste of Smyrna event at the City. To conclude he noted that the Indian American Cultural Association has recently completed construction on their temple which is next to their Community Center.

City Administrator Saddler Jones expressed condolences to Parks and Recreation Director Richard Garland whose mother passed away recently. Special Projects Coordinator Maxwell Ruppertsberg will be leaving the City to go to work with the Georgia Department of Behavioral Health and Disabilities and his last day will be September 27th.

Mayor Bacon announced that the North Georgia State Fair starts on Thursday, September 19, 2019 and goes through September 29, 2019.

## 10. Show Cause Hearings:

There were no Show Cause Hearings.

## 11. Citizen Input:

Mr. Charles Anderson, 1023 Windy Oaks Court, spoke about a problem property next door to his home that has caused problems for years. His house has become infested with bugs because nothing was being done about the mess on the now abandoned property. He would like to know what can be done about the problem. He acknowledged that Councilmember Blackburn has tried to help. Mayor Bacon asked him to meet with City Administrator Saddler Jones after the meeting to see what they can do.

Mr. Alex Backry, 3459 Shawnee Trail, has surveyed 341 people on their opinions on the Windy Hill project. It was just a concept when it was voted on four years ago and he thinks if people knew the price tag, they would have never approved the referendum. He also spoke about the lack of participating voters in the City. It is his opinion that the Mayor should have a town hall meeting at least every 5 months and that this may help to stir up citizen involvement.

Mr. Haywood Savage, 498 Willowbrook Drive, spoke about keeping Smyrna beautiful. Around Bennett Woods subdivision there are newspapers everywhere and they keep getting left in the water ways and causing clogs. He would like to see the delivery people be more responsible with the placement of papers. To conclude he thanked the City for the great job it is doing.

Ms. Pat Burns, 10 Concord Road, spoke about her feelings on the recent issue involving the proposed Spanish Heritage event. The Comprehensive Vision Plan should not be taken lightly. Many hours have been spent by citizens and leaders to develop an inclusive City in the Vision Plan.

Ms. Susan Wilkinson, 2805 Stone Creek Road, introduced herself as Ward 5 Representative where she has lived for 33 years. She is running for re-election and

*would like the opportunity to continue to be a strong voice for the citizens of Smyrna.*

*Ms. Maryline Blackburn, 1034 Huntington Trace, announced that she is seeking re-election for Ward 3 representative. She has been serving the City for 22 months and 5 days. Some of her accomplishments to date involve environmental stewardship, economic development, diversifying businesses, transportation, and the safety of our citizens. Have to have an inclusive element and it is important for Government to reflect the community it serves.*

## **12. Adjournment:**

Mayor A. Max Bacon adjourned the meeting of the Mayor and Council at 8:57 PM.